Political Reforms, Local Elites and Power: A Study of the Federally Administered Tribal Areas (FATA) of Pakistan

Shah, Abid

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MIAN ABID SHAH

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Dedication

I dedicate this thesis to my father, Mr Syed Asghar Shah (1940–2016). He gave all his children the most important and beautiful gift in life – grit, confidence, empathy, social welfare, and a free mind.

In his words:

‘Don’t you ever give up’

And to my loving mother for her prayers

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Abstract

There is continuing global concern around security in the unsettled and politically sensitive region of Federally Administered Tribal Areas (FATA) in Pakistan, bordering Afghanistan – a region widely considered 'ungovernable', and one of the global centres of terrorism and extremism. The global response has been articulated around governance concerns anchored in liberal and pluralist ideas of democracy. For the most part, development interventions and accompanying scholarship tend to focus on technical aspects of governance using a strong normative lens. Consequently, the focus has largely been on what is missing or lacking or ineffective in developing countries. As such, this approach is inherently substractivist. One of the most radical and recent interventions designed to promote good governance in the FATA region was the introduction of the Political Parties Act 2011 (PPA). This Act has the explicit aim to alter the balance of power so as to confront and stifle militant influence in the region. My thesis emphasises the developed world's lack of focus on the inner (and complex) realities of politics attached to political reform. It deliberately moves away from a normative framework towards showing the importance of everyday politics of reform in the FATA region. More specifically, this thesis offers a detailed examination of the dynamics of elite competition and leadership triggered by the introduction of the PPA. At present, local governance in the FATA region is politically controlled by tribal chiefs (known locally by *Maliks)* under the Frontier Crimes Regulations (FCR), under which political power is passed through the male hereditary lineage. In contrast, the extension of the PPA enables local political actors to compete for political leadership through an adult franchise system, supported by political parties in Pakistan.

This thesis offers a detailed examination of the impact of the introduction of the PPA in FATA, with a particular focus on the way it affects elite leadership. Drawing from the theoretical framework of political settlement (North, Wallis and Weingast, 2009; Khan, 2010), and through a collection of primary data using ethnographic methods, this thesis seeks to explore from the local perspective how the PPA has evolved, unravelled and enmeshed itself in a rather complex social and political structure, and the many political actors that are either impacted by it, or impact upon it. My thesis argues that the PPA has triggered a profound change in core power relations in the region with new entrepreneurial political actors breaking the monopoly of traditional *Maliks*. I further argue that the strategies and tactics used to legitimise claims to power are mostly similar for both the entrepreneurial political actors and the *Maliks*. Legitimacy is therefore secured through loyalty (personal money, social welfare, local elite pacts, and access), networks (political parties, bureaucracy) and rhetoric (discourse of morality). The discourse of morality, of democratic citizenship and of tradition is used by new political elites and tribal *Maliks* respectively to gain their legitimacy. The significance of politics and competition among local elites

suggests that political settlement becomes defined by informal interactions between local elites. The 'normative' governance roadmap therefore needs to take much more account of these informal interactions as they become very powerful levers of political reform in the FATA region.

List of Abbreviations and Acronyms

General

APA	Assistant Political Agent
ECP	Election Commission of Pakistan
FATA	Federally Administered Tribal Areas
FCR	Frontier Crimes Regulations (1901, revised 2011)
KPK	Khyber Pakhtunkhwa province
LGR	Local Government Regulations (2002)
MNA	Member of the National Assembly (Pakistan)
NWFP	North-West Frontier Province
PPA	Political Parties Act (1962 and 2011)
SBF	Shaheed Bhutto Foundation

Political parties

AJIP	Awami Jamhuri Ittehad Pakistan
ANP	Awami National Party
APML	All Pakistan Muslim League (political party)
JI	Jamaat-e-Islami
JUI	Jamaat-*Ulema*-e Islam
JUI-F	Jamaat-*Ulema*-e Islam (Fazl-ur-Rehman group)
MQM	Muttahida Qaumi Movement
PkMAP	Nationalist Pakhtunkhwa Milli Awami Party
PML (N)	Pakistan Muslim League (Nawaz)
PPP	Pakistan People's Party
PPPP	Pakistan Peoples Party Parliamentarians
PTI	Pakistan Tehreek-e-Insaf
QWP	Qaumi Watan Party

Figure 1: Map showing the Federally Administered Tribal Areas of Pakistan

(in dark grey)

From the report 'Post Crisis Needs Assessment: Khyber Pakhtunkhwa and Federally Administered Tribal Areas', prepared by the Pakistan government, Asian Development Bank, European Union, United Nations and World Bank, September 2010.

Chapter One: Introduction

1.1 A Daunting Exercise: A Snapshot of Governance Challenges in FATA

The former President of the United States, Barack Obama, is credited with having described the FATA region in 2009 as the 'most dangerous place on earth' (Ahmad, 2013; Shah, 2012). Since then the FATA region has struggled to shed this image of being dangerous. Reports of the international War on Terror, successive drone attacks, rising Islamic militancy, ethnic violence, arms smuggling, and drugs production and trafficking have all contributed to the commonly held view that the FATA region struggles to maintain law and order (Ayaz, 2012; Orakzai, 2013). For many, the main challenges of the FATA region all have their roots in ineffective governance and bad politics. In turn, the question of poor governance is portrayed as preventing economic growth, the promotion of human development and the development of democracy. Evidence suggests that low levels of growth and development also nurture and increase the likelihood of conflict and violence (Brown and Stewart, 2009). Thus, the failure in governance in the FATA region is an obstacle to future development. The irony of this conclusion is that the FATA region has significant economic potential because its land is rich in minerals, oil and natural gas (Zia, 2012).[1]

During my fieldwork, Imran, a Pakistani Army officer serving in FATA, gave me a fascinating account of the 'real politics' in the region, related to the state taking everyday political decisions concerned with the problems of governance in FATA. To restore normality, Imran was tasked with bringing stability to a subregion of FATA where militants had asserted significant control. Historically, the social order in the FATA region had been maintained with the support of *Maliks* through a British-imposed 'self-governance' political settlement known as the Frontier Crimes Regulations (FCR) (see Chapter 3). This system conferred enormous power to the bureaucracy and, by default, left local leadership to *Maliks* through male hereditary transfer. After Pakistan's independence in 1947, the state perpetuated its reliance on the support of *Maliks* who had a superior understanding of their local areas, and widespread influence over their communities. During the ongoing War on Terror, Imran explained, most of the *Maliks* had either been killed by the militants (some conservative figures suggest more than 1,500 *Maliks* were killed throughout FATA), or had fled the region to safer cities in Pakistan. In this way, local support for the military establishment was significantly affected. During this time, other local men came forward to help the army as a parallel mercenary force to fight against the militants. This group of mercenaries popularly known as *Aman Lashkars* ('peace militiamen') were trained by the Pakistan

[1] Experts working on oil and gas exploration in FATA consider the potential value of the oil and gas economy there to be larger than some Arab countries (Zia, 2012).

Army and equipped with military logistics. In return they were given *inter alia* access to agricultural land in the region, cleared by the army, to enable them to cultivate crops and earn a living. Through the support of *Aman Lashkar,* the army made significant gains in destroying terrorist hideouts, and asserted the Army's writ in the FATA region.

The next task was to resuscitate political systems so that law and order could be established in the region. Imran identified two phases of the revival process. The first was the revival of political systems that involved the Army's engagement with the political administration in FATA to restructure formal and informal institutions. For this purpose, some of the *Aman Lashkar*, who had by this time developed into powerful local actors, were rewarded with the official title of *Malik* to take the place of those who had been killed in the War on Terror. In addition, some informal institutions were resurrected. One of these was the *sarishta*, a committee made up of *Maliks* selected proportionally from each tribe, which pass informal laws especially pertaining to issues related to law and security.[2] A few *Aman Lashkar* who had become *Maliks,* were included in *sarishta* but as Imran explained, they were later found to be lacking in ability in the *Jirga* (a local judicial dispute assembly). Instead, as Imran pointed out, 'the *Maliks* were very experienced and had superior skills in local judicial matters', which put the state in a 'Catch-22' situation in deciding who to support in the governance process, how or where to facilitate them.

The second and most consequential part of the revival of the political system concerned introducing the Political Parties Act (PPA)[3] agenda to counter terrorism. Imran explained it in this way:

> As part of our broader National Action Plan, the PPA is integral to the state's efforts in resettling the FATA region … The political reforms will grant political liberty to FATA citizens, even in areas that are currently outside the reach of the government, and will enable them to exercise their rights … It grants an opportunity to new people to stake a claim to leadership … I understand this is an arduous and lengthy process, and only incremental change is possible, not a radical one … It is because there will be people including *Maliks* who will resist political reforms, but then we have observed they [*Maliks*] may be getting threats from militants who are now associated with religious political parties.[4] … So maybe some people will fizzle out … and others may adjust.

Moreover, he claimed that '*Maliks* are very good negotiators … very sharp' and could thwart, influence and remodel some of the state's resettlement plans through negotiations.

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[2] Historically, *sarishta* were nominated by locals with little interference from the state, but, since the War on Terror, there is now significant state influence.

[3] In this thesis, discussion of the Political Parties Act 2011 (PPA) involves analysing the democratisation of FATA, i.e. the introduction of the adult franchise in 1997, the PPA itself, attempts to introduce Local Government Regulations (LGR, 2002), and the merger of FATA with Khyber Pakhtunkhwa province (KPK).

[4] The role of militants and their significance in governance matters is beyond the scope of this research. The sole purpose of mentioning militants is to ascertain their significance as a strong power structure capable enough to influence outcomes.

From Imran's account, it is relatively easy to see FATA as a violent region with a dysfunctional governance system and a form of informal politics in which the state takes short-term decisions, and shows the significance in FATA of cooperation, bargaining, resistance, interests, incentives, power and local politics of governance. It is also clear in Imran's account that actors with the ability to manage violence are important for stability in the present circumstances, and that they are better positioned to access opportunities of leadership or to gain access to resources. The fact that *Maliks* are considered to have 'superior skills' indicates that violence is controlled not by direct mercenary skills alone as in the case of the *Aman Lashkar*, Instead the ability of local actors in local judicial matters, entrepreneurial skills and the authority to organise citizens with a common interest also serve as an appropriate avenue to maintain social order. With these varying skill sets of diverse local actors, stabilising FATA through the implementation of the PPA in FATA (arguably one of the most significant recent developments that has shaped the direction towards which the FATA region is moving) is, as Imran conceded, a daunting exercise.

1.2 Settling FATA via Political Reforms: The Case for a Non-normative Approach

The title of this thesis – 'Political reforms, Local elites and Power' – draws attention to the global concern about political instability, seeking to create order through reform and its impact on the unstable region of FATA, with a particular focus on local leadership. The political instability in FATA remains a central focus for international relations and international development scholarship; political debate; the media; and policy experts in Pakistan proposing a variety of solutions to stabilise the FATA region. More recently, discussion on political developments in the FATA region has been dominated by good governance frameworks as an effective remedy to resolve political instability.[5] In this regard, the state in Pakistan is centrally involved in the micro-political settlement of governance in the FATA region, principally through the PPA. In the Pakistan government's *Report of the Committee on FATA Reforms* (2016), much emphasis is placed on the discourse of Western-inspired political reforms. This includes promoting widely used narratives such as 'good governance', 'local level empowerment' and 'participation' (ibid.). What the PPA effectively means is the democratisation of political institutions in FATA, modelled around liberal and Weberian inspired parameters, which offers 'open' political opportunity, fair competition, transparency, accountability and public welfare creating an environment of hope and expectation for the region's citizens.

[5] The official website of the National Democratic Institute (NDI), states that the organisation continues to 'programme' democratic strengthening in FATA. NDI supported the Shaheed Bhutto Foundation (SBF) and the Political Parties Joint Committee on FATA to promote democratic reforms in FATA. The US State Department's Bureau for Democracy, Human Rights and Labour and the British High Commission also contributed to funding these programs.

Weberian-inspired parameters encapsulate a certain 'normative order' characterized by value judgement, morality and rationality in social and political structures (Roth and Wittich, 1968, p. 27). As indicated by Stillman (2000, p.51), the guiding principle of Weber's legal rational authority structures rests upon solidarity and the legality of normative rules. Good governance is conceptualised around the notion that developed countries manage the problems of violence through political and economic competition (North, Wallis and Weingast, 2009; Khan, 2010). The state law-enforcement agencies have established their writ over the law and order conditions in their countries, and in that sense have a monopoly over violence (ibid.). In these societies, the state promotes the idea of democratically elected governments (Potter, 2004), which is concerned with the liberal theory of the state in which 'there is a clear separation of powers between the state organs (legislature, executive and judicial)' (Khan, 2012, p.70). Good governance is envisioned as being depoliticised and technical, where non-state organisations act independently of the state without political influence (North, Wallis and Weingast, 2009). It provides normative guidelines for the political systems in order to promote well-functioning capitalist free markets, fair elections, civil rights and public welfare to achieve economic development.

Despite having its roots in specific histories, realities and balances of power, the good governance framework is promoted as a universal framework of general applicability. The success or failure of political reforms in developing countries is critically interrogated against the good governance framework as a comparative reference point. Looking at FATA through this lens, the region is depicted as dysfunctional and fragile; 'a wild frontier' (The Economist, 2008); 'a land stuck in the past'; a territory that is 'too violent and ungovernable' (Ghosh and Thompson, 2009; Iqbal, 2009); a 'medieval landscape' having a 'rugged no-man's-land' quality (Gardi, 2007) (all cited in Showalter, 2010, p.14). In identifying governance issues as the core challenge of FATA, the good governance framework uses a 'substractivist lens' (Khan, 2012, p.12) in which developing countries are judged against an abstract and normative conception of how the state ought to be. In adopting this position, the framework fails to understand the everyday 'actual' organisation of practices and systems of power and how these are articulated into a more or less viable and functional mode of social organisation.

We get a sense from Imran's account of the ways in which the PPA is designed in the image of Western institutions, and how these ideal models interact with local contexts and social norms in ways that can have unexpected consequences in developing countries. Clearly, the roots of the problems of governance reform identified in Imran's account are not restricted to administrative factors but have an essentially political dimension. The account shows that in conflict zones, states are faced with a continual process of negotiated settlements with various organisations to control violence. Often, the end to a conflict is negotiated with multiple groups that have influence and access to violence. More so,

the latter part of Imran's account highlighting a Catch-22 situation as 'whom to support in governance' opens up a number of questions. Considering free and fair elections, how would the state respond if militants were to become elected in some areas by resorting to violence? On the other hand, is it possible to devise governance models that are less absolute? Is it possible to overcome the problematic proposition inherent in more 'relativist' solutions that design institutions consistent with local social norms (Wood et al., 2017). If the institutions in FATA are designed relative to their social norms, then would a *sharia* model and its radical interpretation by militants be applicable or desirable in FATA? Faced with these questions, Wood et al., (2017, p.1) commend the framework by North, Wallis and Weingast (2009) for its usefulness in facilitating a 'sensitive contextual analysis alongside the possibility of judgement', i.e. a framework that serves as a comparative reference capturing both the 'intrinsic or ontological essence of institutional practice, while enabling us to situate a society against some universal principles of human rights and entitlements' (ibid, 2017, p.1).

Recent work on 'political settlement' (Whaites, 2008; North, Wallis and Weingast, 2009; Khan, 2010; Di John and Putzel, 2012; Hickey, Bukenya and Kizito, 2015; Bell, 2015) questions the 'normative' governance lens, and focuses instead on the everyday logic of politics as being central to how social order should be understood in societies. Indeed, some authors extend their analyses and assert certain forms of informality or personalised interactions are catalysts in maintaining social control in such societies (ibid.). The key argument of North, Wallis and Weingast (2009) is that developing countries solve the problem of violence by giving elites privileged control and limited access over the economy, allowing for rent generation, capture and distribution. Violence has the potential of disrupting rents and hence elites are incentivised to manage violence for the sake of their own interests. This thesis attaches great importance to the analytical relevance of the political settlement framework because it highlights how these incentives are contested and negotiated by local elites, and as such how reforms are susceptible to reorienting local power arrangements. The political settlement framework is useful to ascertain the political power of groups, the historic conditioning of leadership, the external influences and structural changes shaping a political field (Hickey, Bukenya and Kizito, 2015), and to redefine the boundaries of leadership and political power of the local setting.

1.3 Contextualising Post-Conflict Peacebuilding in the FATA region

This section aims to contextualise post-conflict peacebuilding initiatives in FATA within the broader literature by drawing comparisons with post-conflict reconstruction in Africa, to allow me to locate the study on FATA. The aim is to allow discussion of the analytical and empirical contribution of this

research. In other words, I explore analytically how we conceptualise FATA and empirically how we contextualise post-conflict peacebuilding, the subsequent impact on state–society relations and policy issues.

In the academic literature particular significance is given to the liberal peacebuilding model, subnational government, and the role of local actors in post-conflict recovery and reconstruction (see Lister and Wilder's 2005 work on Afghanistan; Brinkerhoff and Johnson, 2009 on Iraq; Awortwi, 2011; Jackson, 2016; and Goodhand, Klem and Walton., 2017 on Sri Lanka). In terms of local governance, both Africa and FATA are entangled in a certain path-dependent[6] governance dilemma. In Africa the impact of decentralised models is discussed, highlighting the traditional political structures which tends to 'self-reinforce', especially when established actors (traditional chiefs or other institutions) tend to reproduce the pre-existing paths, or often resist new patterns of change model such as modern political institutions (Pierson, 2004; Awortwi 2011, p.352). Thus, both Africa and the FATA region continue to operate within a colonial legacy. However, some writers have argued that both 'exogenous shocks' to the path (Pierson, 2004) and endogenous changes (Thelen, 2000; 2003) have the potential to break the pattern of path-dependency in these societies. In this respect, FATA shares many commonalities with Africa in terms of exogenous shocks, i.e. both regions experience violence (of varying degrees and levels of intensity) triggered by either global politics, terrorism, militancy centred on ethnic or religious ideologies, natural resources, or legitimacy and authority, and an existential threat to the state enabling changes in political structures. Moreover, issues of corruption and patronage networks are also part and parcel of many conflict societies (Englebert and Tull, 2008).

A particular emphasis is thus laid in African studies to examine the post-independence political management of institutions and the overall impact on managing stability in societies. A careful analysis of these studies suggests that many countries in Africa have followed unique sequences in shifting from traditional structures (Awortwi, 2011). For instance, countries have followed a combination of sequencing between administrative[7] – political[8]- and fiscal reforms[9] (ibid.). In these sequential arrangements some authors are interested in examining the balance of power between central and local government (Clapham, 2003; Awortwi, 2011; Jackson, 2016). Studies on Africa link the

[6] FATA and many countries in sub-Saharan Africa have colonial 'self-governance' political settlements instituted during the British colonial administration. These settlements are often referred to as 'administrative decentralization' (Awortwi, 2011). In development studies it is widely known that path dependence develops and is strengthened by actors who have invested their time and resources in pre-existing political structures, and over time have learned to effectively manoeuvre institutions to create incentives for themselves (ibid.).

[7] The transfer of bureaucratic functions from central government to local administration.

[8] The transfer of power to locally elected politicians.

[9] The management of fiscal functions by local bodies – budgeting, revenue generation and expenditure.

persistence of violence to the inability of local governments to break free of the strong control by central government politicians (ibid.). In other words, central governments are reluctant to empower formal and informal local institutions in decision-making processes, and thus local governments have limited room to manage violence (Brinkerhoff and Johnson, 2009; Jackson, 2016; Goodhand, Klem and Walton., 2017). In the case of FATA, the sequencing involves only administrative decentralisation, followed by incremental political decentralisation (Chapter 3 discusses this in detail) and has not been accompanied by fiscal decentralisation.

Moreover, studies on post-conflict societies have explored the relationship between violence, power – its potential and its reproduction – and rebuilding political participation (Pearce, 2007), and looked at decentralisation in the African context by giving consideration to 'local political sensitivities, traditional authority and social structure' (Jackson, 2005, p.57). In particular, traditional authority is seen to be affected, making way for new political actors to take advantage of new political processes (ibid.). Here some questions emerge, such as: are there risks involved in reshuffling political structures, i.e. will restructuring political systems recreate conflict, as has been the case elsewhere in Africa? (see Jackson, 2005); in a conflict environment, how does the sequencing of political institutions enable political participation?; how are social and political relationships and leadership reworked following a violent conflict?; and how effective have traditional systems of authority been in maintaining stability?

African studies tend to focus on top-down governance and explore at an abstract level the impact on tribal chiefs of the state's decentralisation programmes (Jackson, 2005; 2016), and I draw attention to two key points missing from much of the literature. First, the existing literature does not tell us empirically 'how' tribal chiefs make sense of the institutions from their own perspective. Second, how do tribal chiefs govern themselves as an institution, and how and why does that institution evolve, i.e. how do chiefs make strategies in response to external change, e.g.

1. whether there is internal unity or fragmentation among tribal chiefs?
2. whether unity or fragmentation is triggered by external change?
3. why and how do chiefs adapt to different roles?
4. what is their significance in peacebuilding etc.?

In light of these discussions, this thesis fills a significant gap in the academic literature concerned with addressing the local politics of post-conflict peacebuilding reform of governance and its impact on local leadership. This gap remains in the academic literature despite the focus on the role of decentralisation and local governance and its impact on social and political change in societies affected by conflict

(Jackson, 2005; 2016). A change made in pre-existing political settlements is understood to have an impact on power relationships and is impacted by the wider political dynamics in each region (ibid.). Lister and Wilder (2005), for example, explored decentralisation in the context of Afghanistan from the perspective of *de jure* and *de facto* states. Their study observed that technocratic intervention actually re-inscribed the political power of *de facto* power-holders, rather than the intended *de jure* state. Thus, my thesis offers some conceptual finessing around peacebuilding and local governance through my approach built on the framework of North, Wallis and Weingast, (2009).

This thesis offers an analysis of how the extension of the PPA interacts with local power dynamics – and how local elites, power, authority, citizenship and franchise are all reworked as the PPA takes shape in FATA. The research attempts to examine the politics surrounding the PPA, and the impact of post-conflict reforms on the everyday life of political actors. Within the context of post-conflict reconstruction of societies, this thesis makes a significant contribution by exploring the participation of local elites in an environment of violence and modern democratic politics. Understanding the everyday life surrounding the PPA will help us better to understand the focus of peacebuilding initiatives and the changing nature of state–society relationships, and strengthen wider debate on reconstructing post-conflict societies.

1.4 Research Questions

A central theme of this thesis is to explore how the introduction and implementation of PPA impacts upon elite leadership in the FATA region, and how local elites mobilise around PPA. The thesis offers the first ethnographic account of the prospects for change in the modern FATA region, a microanalysis of its power dynamics, the leadership roles and dynamics of its local elites, and the processes of social and political change associated with institution building in the context of continuing instability. The overall theme of the thesis is explored through three key questions:

1. What have been the main political impacts of the PPA in the FATA region?
2. How has the introduction of the PPA influenced the configuration of elite leadership in the FATA region?
3. What does the extension of the PPA in the FATA region tell us about the prospects for wider governance reform in the FATA region?

My focus on these questions aims to offer an original and in-depth analysis of two key issues related to how the PPA actually plays out on the ground. The first issue explores how the PPA has impacted the dynamics of social relations and political leadership in the FATA region. There are no extended studies

that empirically examine institutional change from the perspective of local elite politics. Taking local elite dynamics into account can help us understand how governance reform is appropriated and reproduced on the ground. The political settlement framework, together with Imran's account, indicate that the compatibility and viability of political reform is best understood through an examination of the informal strategies and interactions of local elites, and that the significance of leadership, power and authority within that landscape is central to how political settlements evolve. Elsewhere, studies on local political leaders have received attention from multiple disciplines including psychology, political science, management studies, sociology, history, anthropology and international development. These studies have approached the subject in diverse ways by exploring the dimensions of leadership from the perspective of kinship, brokerage, individual behaviour and action, the role of formal and informal institutions in enforcing social stability that involves the likes of dispute resolution, and the accumulation of power and authority (Evans-Pritchard, 1940; Barth, 1959). Moreover, other concepts as pinpointed by Shore (2014) include 'the micro-politics of reputation management' and 'the dynamics of followers and factions' (Shore, 2014, p.177).

In this thesis I deal with leadership dynamics from a similar perspective but incorporate additional and important perspectives concerned with:

The prospects for change, by exploring how leadership works or is reworked by political elites in the context of a dynamic and evolving conflict region such as FATA (the role of political elites in FATA has remained unexplored in the existing literature);

The political behaviour and abilities of local elites involved in institutional change as political entrepreneurs, to emerge as successful leaders.

Therefore, in the second issue I explore the local political elites' views of the PPA, including their everyday practices, interests, strategies and tactics. In particular, I explore the ability of local elites to manage their followers and to secure loyalty through formal or informal means such as monetary and other incentives, welfare, networks, bargaining, ideas, power and developing coalitions.

1.5 Contribution of the Thesis

This thesis contributes to the literature on post-conflict reconstruction (as discussed in section 1.3 of this chapter). More so, the main contribution of this thesis is to offer micro-level analytical additions to the political settlement framework, as a way of understating the empirical reality of elite negotiations and bargaining. I argue that successful strategies employed by local elites and managed mostly

through informal interactions – i.e. loyalty mechanisms, using networks and rhetoric – are key determinants that shape local settlements. The focus of this thesis is on exploring the 'entrepreneurial' abilities of local elites in a changing political environment. This shifts the focus derived from good governance frameworks away from identifying institutional variability and malfunction to a dynamic, integrated and practical framework that offers a better understanding of political settlement. By focusing on the political role of local elites, this thesis reveals how local elites create opportunities for power and authority. In analysing the strategies of legitimacy, and the accumulation and exercise of political authority and power, the thesis enables us to (a) examine the existing pattern and distribution of political power; (b) explore the dynamics of power politics on the ground, i.e. how power evolves and is renegotiated; and (c) offer a snapshot for policymakers to design effective policies, whether related to peacebuilding, institutional reform and change or other development interventions. In this way, this thesis remodels earlier lenses of good governance focused on either a state perspective of conditioning political reforms and leadership or societal factors defining the norms of leadership in a society.

The thesis also makes an important empirical contribution by exploring ethnographically how the institutional context of the PPA triggers new forms of power and leadership in the region. The core argument developed is as follows:

For over a century, discussions of political leadership in FATA have been dominated by the role of *Maliks*. The introduction and implementation of PPA is part of another governance reform in the region. The empirical chapters of this thesis show that the PPA has opened up opportunities for the realignment and resettlement of elites. Whereas in the traditional political landscape of FATA, governance and leadership had historically been dominated by male hereditary transfer, the extension of the PPA creates an environment of political competition between contending groups for leadership and power through both formal and informal channels. There are now new political elites who have edged their way onto the political landscape of FATA, and are taking greater advantage of different political opportunities within PPA. The role of *Maliks* in local governance is overshadowed by these new political elites which means they have to find ways of renegotiating their legitimacy around PPA. In a sense, the FATA region is experiencing power struggles and leadership reconfigurations with more political opportunities and space for people to operate in the field of political reform. This allows some individuals to flourish while the influence of others erodes.

In addressing questions related to institutional change, new actors, power, interests and leadership in FATA, the second empirical contribution of this research explores the overall 'perception' of local elites of democratic reforms in the FATA region– a research area that remains largely unexplored. In particular, the perception of *Maliks*, who are the traditional key stakeholders in FATA leadership, is

crucial to ascertain the effects of the PPA on elite leadership. From Imran's accounts, we already learn that social and political relations are changing and that the *Maliks* face increased competition to legitimise their role in governance reforms. Figure 2 highlights the competing forces confronting and challenging the *Maliks* for legitimacy and significance in governance.

Figure 2: Forces Challenging Maliks for Power

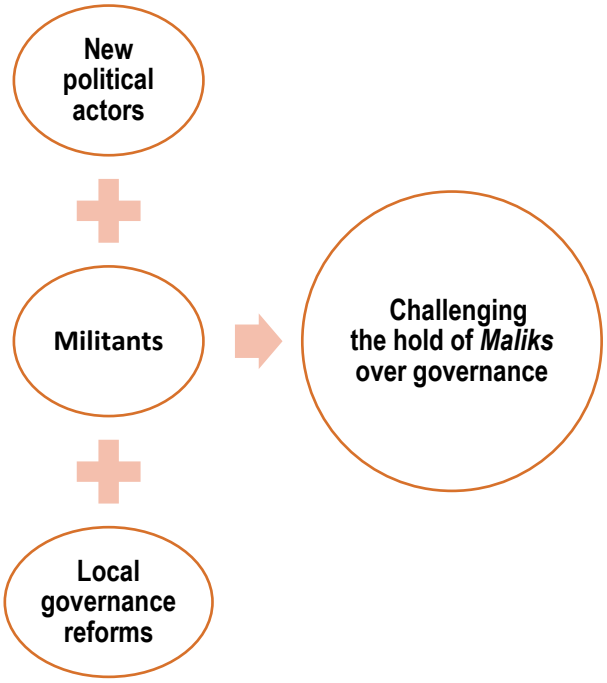


Figure 2 shows the changing nature of social and political leadership dynamics, where the *Maliks* face competition from new political actors and militants for formal leadership positions. In a region where militants – who resist democracy – have growing influence, a general 'perception' of how militants view reforms is already documented (Mangalwala, 2013).[10] My thesis provides a first account of the perceptions of *Maliks* to governance reforms.

1.6 Structure of the Thesis

The structure of this thesis is organised around six main chapters in addition to the Introduction and Conclusion. Chapter 2 explores the significance of local-level leadership, and emphasises that despite political reforms, the way in which reform is appropriated by the local elite means that power adapts but

[10] To explore the perception and role of militants it is important to analyse their influence on politics in the FATA region, but this is intentionally ignored in this research for logistical and security reasons.

does not lead to the kind of change expected by reformers. I use the political settlement framework to develop a theoretical lens through which to understand the political role of local elites in leadership. The chapter contains three key arguments that enable us to use political settlement to understand and analyse governance challenges in conflict settings like FATA. One of the advantages of the political settlement framework is that it is neither state-centred nor society-centred. Second, political settlement allows us to make sense of two key observations. On the one hand, political settlement is about the allocation and distribution of resources and power, and how this aligns with power configurations in society. Achieving that alignment is crucial to enable institutional change in conflict-affected societies. The framework allows an understanding of the processes of social and political change that have shaped the way in which the FATA region is changing and progressing. Finally, the political settlement literature enables a better understanding of the significance of informal processes and dynamics for institution development.

In Chapter 3, I conduct a literature review of historical and contemporary material available on FATA to examine the history of political settlement from the pre-colonial era to the PPA. This helps locate the political context, the governance role of *Maliks*, and the emergence of alternative power sources challenging the latter's legitimacy. The main logic underpinning this chapter is that changes in the political context and institutional structure over time have resulted in a less significant role in terms of governance for the *Maliks*, thus affecting how they renegotiate their legitimacy in leadership.

Chapter 4 outlines the methodology used in the thesis, which deals with narratives, experiences, strategies and practices of local elites in FATA. The methodology is ethnographic and helps unravel the life-world of local elites surrounding political reforms, as well as explains how particular texts are interpreted by local actors. The adoption of an ethnographic approach in my research helps to explore the frictions produced in a situation of newly-imposed structures that compel people to devise their own strategies and techniques. This chapter also confronts the complex nature of challenges that could be faced by researchers in conflict zones.

Chapters 5 and 6 examine the different kinds of strategies and techniques employed by new political elites and *Maliks* respectively in the ways they adapt, transform, navigate, exploit or resist institutional change as a way to legitimise their role as successful political actors (loyalty). In a sense, these empirical chapters illustrate that bargaining goes on among local elites in FATA, and that part of this bargaining is to determine which institutional structure best looks after the rights and entitlements of FATA citizens (rhetoric).

In Chapter 7, I take the same two institutional forms (*Maliks* and new political elites) and examine their governance roles in a different geographical context with a slightly more settled party-political system. The chapter seeks to gain a deeper insight into the relationships between political parties and local elites, with a particular focus on how power, authority and access to key resources is negotiated through party political connections (networks). By taking a dam construction project undertaken by the ruling elite as a case study, the chapter identifies mechanisms through which the ability of political brokers to accumulate power and legitimacy is strengthened due to their superior party-political connections. One key finding of this chapter is that the significance of *Maliks* reduces as the PPA evolves and takes shape, and is taken over by powerful brokers who have identical political roles to the new political elites as identified in Chapter 5.

The concluding chapter organises all the themes made in the conceptual framework and empirical chapters, and argues that despite a significant shift in the institutional structure in the FATA region, leadership legitimacy is based on similar patterns of power and tactics. The central idea of settling FATA through a 'normative lens', i.e. by introducing PPA, is not altering the core social and political relations that underpin actual governance in the region – it does however change the actors that gain advantage.

Chapter Two: Political Settlement: Remodelling the Perspective on Governance

2.1 Introduction

In the introduction chapter, three significant aspects of this research were presented: Political reforms, local elites, and power. The discussions briefly drew attention to a significant disjuncture between a normative good governance framework prescribed for settling societies affected by conflict, and how these policies are translated by local elites in everyday political life and practice. The first section of this chapter critically assesses the normative assumptions about settling unstable societies and argues that such assumptions often ignore the social and political aspects of political reforms in developing countries, and that they need to take into greater consideration their impact on local power dynamics and leadership for effective settlements.

This thesis offers a non-normative account of the implementation of PPA and its impact on the re-working of local power and leadership. In the second section of this chapter, I introduce the analytical debates found in the political settlement literature on the role of local elites in governance at the local level of society. I refer to the work of North, Wallis and Weingast (2009) and Khan (2010) in particular, to heighten our understanding of the alignment and resettlement of power at the local level. The discussion on the distribution of power, elite bargaining and leadership is central to the analytical framework, in looking at the everyday struggles for power and political space by local actors in developing countries. This thesis examines political settlements empirically and seeks to understand the dynamics of elite bargains and highlight three key strategies made by local elites to gain legitimacy of their leadership. These involve loyalty, networks and rhetoric. These strategies are important to the understanding of how local settlements are negotiated by the local elites in the everyday political life and practice. The concept of political settlement as an analytical construct is new to FATA, as indeed is an empirical exploration of social and political dynamics of leadership. Finally, I cite scholarly accounts developed on leadership in the context of Africa and Asia.

2.2 FATA, State Fragility and Governance

The FATA region has been described by former US President Obama as the most dangerous place on earth (Ahmed, 2013). The region has been plagued by violence and conflict for a large part of the last three decades, and attracted worldwide attention after the 9/11 attacks for its militancy, fragility and

violence. The FATA region has now been labelled as a safe haven for Al-Qaeda and Taliban militants, dysfunctional and fragile.[11] Brown and Stewart define fragile states as:

> States that are failing, or at risk of failing, with respect to authority, comprehensive basic provision, or legitimacy. (2009, p.3)

Brown and Stewart (2009) identify fragile states with regions where multiple groups are engaged in organised political violence to gain legitimacy and power. The definition proposed by Brown and Stewart (2009) is similar to those offered by a number of international development organisations. These include Carleton University's Country Indicators for Foreign Policy (CIFP), the UK Department for International Development (DFID), the Organisation for Economic Co-operation and Development (OECD) and the World Bank. Fragility as understood by these organisations is associated with the functions of weak states, thus identifying a lack of political commitment by states to grant basic rights, or to deliver basic social needs or security within their borders to its citizens[12] (Brown and Stewart, 2009). The World Bank (2005a) adds further to the debate and includes weak governance, institutional arrangements or countries lacking adequate platforms for voice and accountability (cited by Brown and Stewart, 2009, p.2). The United States Agency for International Development (USAID) delves deep into the nature of fragility, and frame societies as 'vulnerable' and 'states in crisis' (ibid.). The former denotes states as failing to provide basic facilities as identified above, together with ruling elites lacking political legitimacy, and hence vulnerable to competing forces. The latter term identifies countries with respect to violent conflict, where such states lack a monopoly over violence, and hence the capacity required to manage conflict (ibid.).

State fragility and poor governance are both underpinned by a sense that FATA is a violent region and unstable. In the past good governance in FATA has been about structural inefficiency, and poor governance (Hussain, 2012; Rashid, 2012; Wazir and Khan, 2014). More recently good governance in FATA deals with state fragility that sees regions as violent, unstable, and as suffering from bad politics. The literature below will outline that attention is given to restructuring inefficient political and administrative institutions, as a successful roadmap for fragile states to recover from fragility. The debates on peacebuilding offer prescriptions to stability modelled around either an all-out military

[11] The Fragile State Index Report *(*2017) ranks Pakistan amongst the top fragile states in the world. In 2017, the report situates Pakistan in 'risk' category, which is an improvement from earlier years where Pakistan has been in 'high risk' category. This improvement is largely attributed to the ongoing military operation in Pakistan that has essentially controlled violence to a certain extent, and also the operation of parliamentary system. The FATA region however, may still be termed as 'high risk', as violence continues in the region, and the region is having hybrid and dysfunctional institutional arrangement.

[12] The framework includes countries who are not directly engaged in conflict.

offensive against groups confronting the writ of the government[13] or good governance principles. Following the end of the Cold War, and particularly after 9/11 debates over 'securitized' and 'militarized' development assistance (Fisher and Anderson, 2015, pp.131–2)[14] and the politics of Western aid and development intensified, with a focus on liberal democratisation in weak, failing states or in regions considered ungovernable (Fisher and Anderson, 2015, p.131; Bevir, 2009; Leftwich, 1994, p.363).

Showalter (2010, p.2) traces the link between the discourse of 'ungovernability' in FATA, and global policy in conflict settings, particularly that of the United States (US), and explains that the US global strategy has revolved around developing a framework that helps formulate effective policies needed for bringing improvements to these regions. The US strategy, called the Un-Governed Areas (UGA)/Safe Havens (SH) Framework, depict countries with respect to their governability standards and their threat level to global security. According to Lamb (2008) the notion of being 'ungoverned' refers to:

> a place where the state of the central government is unable or unwilling to extend control, effectively govern, or influence the local population, and where a provincial, local, tribal, or autonomous government does not fully or effectively govern. (Lamb, 2008, p.6)

As in the account above, much emphasis is placed on the ability of the state to establish its writ as essential to manage violence. The regions controlled by multiple groups, in particular those who confront the state authority, are understood to become a 'safe haven' for illicit non-state actors who operate against the state or global security altogether. As per the UGA/SH framework set out by Lamb (2008), non-state actors/terrorists may use armed violence as a mean to gain personal or political mileage, or as a form of resistance against the state.

The depiction of a region as 'ungovernable' legitimizes the use of economic development or military intervention strategies, through pressure tactics in the form of cutting US aid or the imposition of Western-inspired democratic reforms designed to bring stability (Showalter, 2010, p.2). Certain high-ranking serving US Army officials in Afghanistan such as McMahon (2009, p.18) asserts that the US government needs to change its strategy of direct military intervention towards a focus on good governance and economic growth that will enable a sense of law and order to be developed over time in places like FATA and Afghanistan. He understands that the War on Terror has made the situation on

[13] Oliver Richmond (2006) proposes military victory has a long-standing effect on stability. In contrast, Hartzell and Yuen (2012, p.241) analyses countries that experienced civil wars from the 1940s to the 1990s and examines the impact of using military means *versus* the role of negotiated settlements towards achieving peace. Beginning from 1940s till the end of the Cold War in the 1980s, a military offensive dominated the rationale as an effective means of achieving peace. However, following the Cold War, a downward trend has been observed to military means, as violence resurfaced between states and opposing groups contesting political legitimacy (particularly in states experiencing guerrilla warfare).

[14] Fisher and Anderson (2015, p.132) note four countries in Africa, namely Chad, Ethiopia, Rwanda, and Ghana, have benefitted from militarised support for the overall political management of conflict settings.

the ground unpredictable, and for this reason McMahon (2009, p.15) advises the decision makers to use an adaptive approach toward problem solving. One key area, according to McMahon (2009, p.19) is that economic development and good governance in Afghanistan will have a positive spill-over effect on FATA, as will increase the desire amongst FATA residents to seek similar improvements. Furthermore, McMahon (ibid.) also thinks that the parlous economic situation in Pakistan creates an opportunity for the US to exert pressure on the Pakistani government through framing the democratisation of FATA and good governance as an aid conditionality. This he understands could be done by altering the semi-autonomous governance structure in FATA and abolishing the British-imposed Frontier Crimes Regulation legal framework.

The next section will elaborate on the concept of good governance, which will begin with an examination of the dominant discourses around the ability of Western authorities to diagnosis deficiencies and offer prescriptions to improve political order in conflict regions.

2.3 Political Reforms via Good Governance as a Key Condition for State-building

This section traces the concept of good governance in development studies literature, which is used as a primary means to deal with the nature of fragility in the FATA region. In this section I review the links between development, good governance and democracy organised around ideas created by Western powers to enable developing countries to transition towards economic and political stability. These debates have relevance in terms of understanding the political context in which the evolution of institutions, institutional reforms, and change take place in developing countries.

Discussions on social and political changes in the past were about modernising traditional societies and analysing the processes of transformations (Preston, 2008). Development as it was understood in the 1950s and beyond revolved around the optimism of socially-constructed development processes in developing countries. Rostow's (1960) work on modernisation theory in *Stages of Economic Growth: Non-Communist Manifesto* (1960) guides and encourages developing countries to follow a Western-style model of economic growth (Dalton and Bohannan, 1961, p.398). The focus of modernisation theorists was on structural features of the economy and society. Here, the notion of modernisation links the emergence and maturity of a Western economic model with social advancement towards modernity considered in general. For Huntington (1968, p.32), *modernity* means 'a fundamental shift in values, attitudes, and expectations'. It denotes a replacement of traditional beliefs with behaviour consistent with the modern world (identified with the modern Western world). This shift is due to 'the expansion of

man's knowledge about his environment and the diffusion of this knowledge throughout society via increased literacy, mass communication, and education' (Huntington, 1968, p.33).

Western economic models were being shaped by popular liberal beliefs. Scholarly arguments gave significance to the state's role, and the importance attached to the economy. The classical liberal perspective on the state's role in economic development, as depicted in Friedrich Hayek's *The Road to Serfdom* (1944) emphasised market-led development and considered the role of the state to be minimal. In his words, 'we should make as much use as possible of the spontaneous forces of society, and resort as little as possible to coercion' (Hayek, 1944, p.13). The exception to this is situated in the Keynesian school of thought, which demands that the state plays a considerable role in development. Keynes advocated that the state adopts fiscal policies to increase employment. The central Keynesian argument identified aggregate demand as the key driver for economic activity and hence saw state intervention as necessary to control varying economic conditions/crises in a country. In the 1970s, the oil crisis, as well as inflation and unemployment, contributed to the decline in the adoption of the Keynesian model, since, faced with these challenges increased government intervention through fiscal policies seemed to have little success. Famous neo-liberalists such as Milton Friedman criticized the Keynesian model and demanded deregulation in state policies, and a fundamental governmental shift towards monetarism in economics, which entailed a reduced role for the state in development (Friedman and Schwartz, 1982).

The good governance framework is envisioned by the neo-liberal schools of economics in depoliticised and technical ways[15], concerned with the state endorsing capitalist ideals that promote the role of well-functioning free capitalist markets in achieving economic development.[16] Market-led development is important to the neoliberal consensus that started to emerge in the 1980s. The neoliberal doctrine requires developing countries to structure economic institutions based on Western ideals i.e. open market competition (Joseph, 2010, p.233). This was later accompanied by a focus on structural adjustment and governance reform as there was a recognition that the state needed to be brought back in to some extent, but through a neoliberal lens. Democratisation is linked with the smooth operation of these markets and as such is understood as a suitable mechanism with which to protect stable property

[15] The technical dimension of good governance introduces normative 'Weberian'-inspired parameters for state functioning through state policies (Pfiffner, 2004; Katsamunska, 2012; Fukuyama, 2012). The effectiveness of these policies is judged by their implementation through, as Weber explained, a rational workforce (Shafqat, 1999, p.1009). For Weber, a competent, corruption free, efficient, and honest bureaucratic set up under a democratic elected government is capable of delivering the highest degree of efficiency (Roth and Wittich, 1968, p.223).

[16] Certain studies on good governance suggest that it has a positive impact on state–society relationships, with Johnson and Minis Jnr. (1996, p.4), for example, believing that the relationship between state and society is strengthened when power is decentralised and the state is involved in capacity building for both citizens and local government. Monditoka's (2010, p.14) study on tribal governance in secluded areas of India, where politics is traditionally dominated and manipulated by privileged groups, highlights the fact that decentralisation policies promoted by the state can bring a positive change in the attitude, behaviour, and cultural conditions of the people.

rights, which is an essential element in enforcing contractual agreements in markets and in maintaining a good rule of law for these property rights[17]. Democratising poor countries emerged most strongly after the collapse of communism and the fall of the Berlin Wall in the late 1980s. The emergence of the United States as a monopolistic capitalist superpower meant that these new good governance practices were advanced for effective outcomes in development countries (Maldonado, 2010, p.5; Leftwich, 1994, p.363; Archibugi, 2012, p.11). Good governance discourses have recognized the importance of the increased role played by global institutions (UN, World Bank, IMF, etc.) to regulate the complex issues that affect states—locally, nationally, regionally, and globally (Held, 1995; Archibugi, 2012).

The success of democratisation was acknowledged to such an extent that Fukuyama (1992) held that all developing countries would eventually adopt the Western model of socio-economic and political progression. In *The End of History and the Last Man*, Fukuyama (1992, p.11) predicted that liberal democracy would emerge as the final form of governance. The author saw developing countries as going through a transition period and that, over time, their perceptions about cultural values, practices and beliefs would be replaced by the tenets of modernisation. Analysing deeper the democratic transitory phases in developing countries, Provencher (2011, p.25) believes that developing countries and liberalisation should not be seen as natural antagonists, but rather that the problem lies with the specific nature of structural adjustment policies. Democracy evolved into the form it takes in Western European societies through a number of different and perhaps unique stages of reform. It was 'only realized after a long period of liberalization occurred, strengthening the institutions within Western states that would withstand the brunt of the ever expanding suffrage' (Provencher, 2011, p.2). The author goes on to assert that there is potential for democratic institutions to flourish in developing societies but only under conditions where liberalisation practices are 'firmly rooted in the culture for a significant amount of time' (2011, p.28).

Today, however, governance is understood as a multifaceted notion having myriad meanings in different contexts. Governance discourse is extensively used in discussions on institutions and non-state actors and also focuses on social coordination through networks, or interfaces, in pursuit of effective public policy and the public implementation of goods and services (Bevir, 2009). In the following section, I analyse the dynamic interplay between good governance and the developing-world context within which social actors operate under institutions, act, and may subvert these principles.

[17] Within democratisation theory it is held that 'states are *deiure* sovereign but *de facto* non-autonomous' (Held, 1995 as cited in Archibugi, 2012, p.10) and that an 'international system based on co-operation and dialogue is a fundamental condition to foster democratic progresses inside individual countries' (Archibugi, 2012, p.11).

2.4 Good Governance: The Divergence in Developing Countries

The previous section has highlighted how the principle of good governance has been made technical and apolitical. In this section, I refer to several authors (such as Leftwich, 1994; Ferguson, 1994; Blundo, 2006; Li, 2007; de Sardan, 2008), who highlight the weaknesses of the concept of good governance, and identify key themes important for the understanding of political change and reforms in developing countries.

A key debate in development circles is on ascertaining why the same institutions that have effectively enabled societies to expand towards economic growth generate different outcomes in contemporary developing societies (North, Wallis and Weingast, 2009; Khan, 2010). There is confusion rooted in the unilateral resistance of good governance in some developing countries, making the stance adopted by Fukuyama, and proponents of good governance, problematic. These approaches consider the Western mode of democracy as a universalistic reality, and ignore the unique characteristics associated with distant cultures. For instance, Sending and Neumann (2006, p.668), echoing the views held by many post-modern scholars on development[18] (Ferguson, 1994; Migdal, 1988; Huntington, 1968; Escobar, 1995c) question Western attempts in regulating the behaviour of states by altering the local environment of societies, whose economic and political settings are not characterised by an adherence to neo-liberal doctrines. Huntington (1968) had earlier argued that modernisation causes instability and certain cultures would retain their underlying socio-cultural characteristics. In such societies, the mode of governance would not be dictated by external codes, but rather it would be decided by the local socio-cultural and political systems. This is a point endorsed by Fukuyama (2011, p.4) who, in his latest book *The Origins of Political Order*, conceded that a 'democratic recession' had emerged during the first decade of the twenty-first century.

Despite the significance afforded to good governance in the developing world, it has had little impact on the economic and political performances of these countries (Bevir, 2009). A World Bank Study titled 'Sub-Saharan Africa – from Crisis to Sustainable Growth' identified poor governance as a major impediment to African economic development (ibid.). It identified issues such as politicized governance, corruption and patronage as obstacles to the development initiatives taken by the Bank to achieve progress on social development in the region (Leftwich, 1994, p.368). In order to delve further into the question of why identical institutions produce different outcomes in developing countries, Leftwich

[18] The fundamental concepts of post-modernist scholars on development contribute to an alternative understanding of power, social order and politics of development in contemporary societies. The post-modern studies appear to focus on discursive state/Western manoeuvres in which developed countries use development as a tool of hegemony to penetrate the economies of developing countries in Asia, Africa and Latin America. Escobar (1995c) and other post-modern scholars see development as using discourses of poverty, bad governance and weak state institutions in developing countries as a justification for penetrating those societies (Migdal, 1998). In addition, modernisation theory is challenged on the grounds that development discourse omits the political aims of the North, and in particular the North's enduring desire to exploit the economic resources of the South (Escobar, 1995c, p.213).

(1994) argues that development is fundamentally a political matter and that it is 'illusory to conceive of good governance as independent of the forms of politics and type of state which alone can generate, sustain and protect it' (1994, p.363). He doubts the normative force of notions of good governance and the practical preconditions for economic development in countries which were experiencing democratisation at a premature stage (Leftwich, 1994). Ferguson, for example, complains that:

> Excluded from the [World] bank analysis are the political character of the state and its class basis, the use of official position and state power by the official elites and other individuals, cliques and factions and the advantages to them of bureaucratic inefficiency and corruption. (Ferguson, 1994, p.178)

Ferguson's (1994) explanation points towards key complex socio-political processes that are excluded from the technical domain of the World Bank's development strategies, e.g. normative codes of conduct which make demands on officials to ignore irrational directions from politicians, and the 'everyday' functioning of political forces which shape their behaviour. In Nigeria, for example, newly-elected political leaders may regard senior bureaucrats as part of the previous political administration and wish to reshuffle them accordingly (Okoh, 1998, as cited in Okechwukwu and Onwuka, 2010). Similarly, Shafqat (1999) found that political and social forces in everyday life in Pakistan dictate the functioning of officials in charge of public office. In this respect, the good governance framework is criticized on the grounds that it neglects the role of politics and social forces in the technical aspects of governance (de Sardan, 1999).

Furthermore, in a study on governance in Africa, de Sardan (2008, p.1) highlights significant variation between the expectations of Western development interventionists and the actual effects of their policies on the ground. The study revealed that, in everyday governance, the imposed norms of good governance practice were neglected, principally due to the pressures of social values and expectations from friends and family members (2008, p.15). Similarly, Hummel (2007) criticizes normative rationality and identifies a conflict between state and societal actors in situations where individuals fail to meet the criteria for attaining social and economic services. Likewise, Blundo (2006) believes that in societies with diverse political, social and economic traits it becomes difficult for state or non-state officials to perform tasks in line with normative good governance practices, and notes that they often resort to unofficial practices in their dealings with citizens.

The contradictions, complexities and inconsistencies between good governance, and social and political dynamics are aptly captured by Li (2007) in her book *The Will to Improve: Governmentality, Development and the Practice of Politics*, and Ferguson's (1994) book entitled *The Anti-Politics*

Machine. Whereas the analytical focus of Ferguson (1994) and Li (2007) is different for this research,[19] their notion of how development is depoliticised is a useful preamble to understand the micropolitics of institutional reforms. Li (2007) focuses on a series of programs devised by authorities to improve the condition of farmers in the highlands of Sulawesi in Indonesia. In a study combining theory, ethnography and history, the author deals with questions concerning the identification of problems as devised by experts and the prescriptions advocated accordingly. Li (2007) found that the state diagnosis in most cases was incomplete, while the experts omit certain key political and economic factors from the technical domain. These omissions are 'devoid of reference to questions they cannot address, or that might cast doubt upon the completeness of their diagnoses or the feasibility of solutions' (Li, 2007, p.10). The author observed that the political effect of such omissions rendered itself visible in the shape of political mobilisations by the farmers against the improvement programs. Li (2007, p.10) notes that such expert failures are often disguised within 'neutral' technical language in the reports and can be regarded as opportunities for new interventions to correct the deficiencies.

Li's (2007, p.7) understanding of a state's 'will to improve' is made up of two key practices that are translated into explicit programs. The first calls for the 'problematization' of a sphere of activity, in which a trained expert identifies deficiencies and then works towards diagnoses, prescriptions, and appropriate techniques to rectify the problem. The second is a concept which Li (ibid.) described as 'rendering technical',[20] and includes a whole set of practices concerned with representing 'the domain to be governed as an intelligible field with specific limits and particular characteristics … defining boundaries, rendering that within them visible, assembling information about that which is included and devising techniques to mobilize the forces and entities thus revealed' (ibid.). Both these practices are interlinked, as evident in James Ferguson's study of Lesotho, in which the 'bounding and characterization of the 'intelligible field' appropriate for intervention anticipates the kinds of intervention that experts have to offer' (Ferguson 1994, as cited in Li, 2007, p.7).

Li (2007, p.7) identifies further dimensions of the idea of 'rendering technical'. The first of these is the unintended or intended exclusion of significant and relevant political-economic relations from the technical solutions proposed by development planners. The author believes that such exclusions have far-reaching effects – a feature James Ferguson described as an 'anti-politics' machine in which the

[19] Ferguson (1994) and Li (2007) set out the fundamental concepts associated with the work of the French theorist Michel Foucault as a framework with which to understand the construction of discourses of government and development. Their work features the discourse of governmentality as manifested in state–society interaction within the context of the implementation of a development policy. The application of Foucault's notion of 'governmentality' refers to the political rationalities, strategies and techniques by which the state attempts to shape human conduct and makes the society under its surveillance and control (Li, 2007; Rose, 1999b; Dean, 1999; Burchell, Gordon and Miller, 1991).

[20] Li (2007) adapted the phrase 'rendering technical' from Nikolas Rose's *Powers of Freedom* (1999).

expert tasked with improvement 'insistently repos[es] political questions of land, resources, jobs, or wages as 'technical problems' responsive to the technical 'development' intervention' (Ferguson, 1994, p.25). The other dimension identified by Li (2007, p.8) concerns the role of improvement programs as 'a deliberate measure to contain a challenge to the status quo'.

Ferguson's influential study on Lesotho (1994, pp.176–7) reflects on the unequal power and resource distribution that comes about as a result of development programs in the developing world. Ferguson's deconstruction of the productivity of development programs in Lesotho reveals that such programs need to be reassessed because, despite their failure to achieve their objectives, they often result in expanding the power of local actors and contribute towards restructuring the rural social order (ibid.). Similarly, Palmer (1980, p.2) describes how in developing countries it is difficult to imagine rapid economic development as experienced by developed countries, due to a political environment dominated by local elites who feel that their position of authority might be threatened by new development discourses. Therefore, the proponents of good governance neglect as Kjear (2004, p.153) explains 'the distribution of power resources and the relative strength of social classes' that play a role in transforming societies. Exploring the impact of regime restructuring on societies, Migdal (1988, p.263) had earlier noted that the new distribution of social control by Western powers had caused a fragmentation throughout third-world societies. Citing the example of British policies in its colonial territories, Migdal observed that 'for many societies the effect favoured the emergence of new or renewed strongmen and in that the colonial policies, in most cases, led to the reestablishment of fragmented social control in societies in Africa and Asia …' (Migdal, 1988, pp. 262–3).

These studies demonstrate that the focus of good governance is on technical assistance and capacity-building and overlooks the more thorny issues of elite politics and competition at the local level. Therefore, peacebuilding efforts will have a limited impact in promoting good governance unless the realities on the ground concerning power and politics are explicitly addressed. One of the objectives of this research thus aims to explore the structural effects of democratising FATA, with a focus on the local effects of reforms on power and political leadership at the local level that the state ignores and or neglects and or omits in technical interventions. This research thus develops its analytical lens from North, Wallis and Weingast's (2009) seminal work *Violence and Social Order,* as the framework contained therein allows us to critically examine the way we see the settling of some fragile societies. In addition, it suggests that the 'normative' governance roadmap needs to be aware of the informality of politics, elite consensus, and competition as local elite leadership can define how societies transform, or how social order is maintained.

2.4 Violence, Political Context, Elites and Social Order

Douglass North considers the management of violence as a significant factor to social order in societies. The prime focus of North's work is to illustrate the role of institutions in shaping social order; and in the political and economic transitions over time. The main argument in the work by North, Wallis and Weingast (2009) is that similar institutions operate differently in different contexts i.e. developed countries manage violence through political and economic competition, whereas developing countries solve the problem of violence by granting elites privileged control and limited access over the economy, allowing for rent generation and capture. The former denotes countries that follow good governance principles of legality, rationality and impersonality in the distribution of power and state resources. Meanwhile, the latter involves the *informality* of politics which relates to elites engaged in negotiations and bargaining with the elite and non-elite sector over formal politics and access to resources (North, Wallis and Weingast, 2009; Khan, 2010). I will briefly elaborate on these themes below.

The framework offered by North, Wallis and Weingast (2009) allows us to examine conceptually a crucial link between institutional change, leadership, newly-emerging actors, incentives, and how developing countries can make a shift towards political and economic stability over time[21]. For North, Wallis and Weingast (2009), the whole notion of social and political change surrounds elite consensus and bargaining. Tracing the nature of changes in the historical accounts of developed countries, the authors found that elite co-operation has been subject to the transformation of their privileges into rights i.e. economic and political transition has been made possible due to elites adapting to new legal, economic and political changes under conditions where they could create spaces for themselves to gain personal interests (North, Wallis and Weingast, 2009, p.1).

In this sense most societies have experienced a degree of political instability, corruption, inequality, violence, and informality in politics where a limited proportion of influential elites have redistributed resources amongst themselves. In the last millennium, however, societies have been categorized differently such as 'developed', 'developing', 'underdeveloped', 'third-world', and 'fragile'. This is in keeping with a key observation made by North, Wallis and Weingast (2009), who identified and categorised three types of societies covering the whole of human history: Fragile, limited access and open access. Those societies that have been able to make a transition towards economic growth and stability are regarded as 'developed'. The open access category refers to a society in which all citizens

[21] The focus is on how societies transform from a Natural order (or limited access) into open access societies. This is made possible by what North mentions as the doorstep conditions; including the (a) Rule of Law for Elites (b) Perpetually lived organisations (impersonal organisations that can operate independently of the state) and (c) Consolidated control of military (North, Wallis and Weingast, 2009, p.151).

have equal access to political and economic spheres. Violence is managed in 'developed countries' through 'good governance', and this is principally due to, as North, Wallis and Weingast (2009) explain, a continuous evolution of ideas, institutions and laws granting 'open access' to society in order to generate political and economic competition, together with 'impersonalized' interactions by individuals.[22]

The logic of political management and social order in developing countries contrasts with how the management of political stability is conceptualised and practised in developed countries. One of the main arguments made by North, Wallis and Weingast (2009) is that social order in limited access societies is maintained through intermediaries in governance, where the state 'limits' the access of state resources to ordinary individuals. In developing countries, the state decentralises power and shares rents with elites who either have the capability to manage violence or to advance the dominant coalition's interest (Wood, 2014). In return these individuals co-operate with the state in controlling violence at the local level (North, Wallis and Weingast, 2009, p.255). In this sense, the state and organisations cannot act independent of one another where day-to-day interactions are based on interpersonal relationships.

The framework presented by North, Wallis and Weingast (2009) offers a comparative reflection of situating violence management in societies, and institutional practices. As such, the framework balances arguments around the construction of institutions relative to society-specific norms, values, and politics, and against good governance frameworks (Wood et al., 2017). Despite its usefulness, a weakness in the framework is that it focuses on the broader level of elite consensus, and does not reflect on elite consensus at the local level of society. In addition, it pays little attention to institutional transitions in fragile settings.

Recent work done on 'political settlement' (Khan, 2010; Di John and Putzel, 2012; Hickey, Bukenya and Kizito, 2015; Bell, 2015; Whaites, 2008) extends the arguments made by North, Wallis and Weingast (2009), but also includes the pattern of leadership arrangement at the local level of society. In this way, I attempt to highlight the context of political settlement where there is greater emphasis on *personalised* as opposed to *merit-based* interactions. These interactions between local actors are significant when investigating power and personal relationships, concerned with the porous boundaries between leadership and society. In this respect, I use political settlement as a conceptual framework with which to analyse weaknesses in political reform, and to offer insightful details of micropolitics.

[22] The good governance and 'impersonal' notion as described by (North, Wallis and Weingast, 2009) is similar to a certain degree to Weberian legal-rational logic.

2.5 Political Settlement: Local Elites and Power

In contemporary peacebuilding and state-building literature the term 'political settlement' is broadly used to describe a state-centric approach involving the states to politically manage conflict through peace agreements. Most often, a political settlement is understood as being an outcome of a peace settlement. Evans (2012) notes, that political settlements and peace settlements are different, while Jones, Elgin-Cossart and Esberg (2012) claim that they are 'mutually exclusive'. Evans (2012, p.7) clarifies the difference between the two terms in explaining that while peace processes do reshape the existing settlements, they do not focus on their local power dynamics. The political settlement framework is thus useful in addressing both the more and less state-centric aspects of my research that concern the interplay between the structural effects of state intervention in the FATA region and how local elites respond to state initiatives.

There is profound lack of consensus over the definition of the term 'political settlement'. Political settlement is generally understood as an on-going process of negotiation between elites at different hierarchical levels working around the balance of power, legitimacy, and resources towards a political and economic settlement (Whaites, 2008; Di John and Putzel, 2009; Khan, 2010; Hickey, Bukenya and Kizito, 2015). Evans (2012, pp.7–8) explains that some authors equate the term in a narrow sense with 'elite bargain' or 'intra-elite bargaining' (Di John and Putzel, 2009, p.4), or 'elite settlement', or 'common understanding between elites' (Whaites, 2008, p.4), whereas others use a broader explanation by describing it as a framework that helps examine: deeper forms of 'politics, power and ideas' (Hickey, Bukenya and Kizito, 2015), as political compromises resulting in 'balances of power' (Khan, 2004, p.168); negotiated agreements binding together state-society interactions (Fritz and Rocha, 2007, p.10); the arrangement of political power, in the ways it is made inclusive of all powerful groups contesting resources (DFID, 2010; Jones, Elgin-Cossart and Esberg, 2012); and the analytical attempts at how political power is produced, organised and exercised (Barnes, 2009). From the available definitions, I use the one given by Khan (2010) as a useful starting point to understand the extension of political reforms and its overall impact on local power dynamics. Khan (2010, p.4) defines political settlement as:

> an interdependent combination of a structure of power and institutions at the level of a society that is mutually 'compatible' and also 'sustainable' in terms of economic and political viability. (Khan, 2010, p.20)

In his definition, Khan (2010) identifies five key features of political settlement:

(1) *Political power of groups:* Khan's (2010) work focuses on the implication that the performance of formal institutions is intrinsically linked to the political power of social groups working under those institutions. His ideas shift our attention away from an examination of the broader level of elite formation, as in the case of new institutional economics studies[23] (North 1981, 1984, 1990, 1995; North, Wallis and Weingast, 2009; Ostrom, 1990; 2005; Olson, 1997; Acemoglu, Johnson and Robinson, 2004; Rodrik and Francesco, 2004; Bardhan, 2005). Rather, Khan (2010, p.19) believes that a study focusing on an institutional analysis in reducing political costs[24] requires an understanding of the overall distribution and dispersion of political power of groups at the local level of societies, as sustained by the pre-existing political settlement.

(2) *Actors:* Both national and international, with a specific focus on local-level leadership, and its relationship with diverse social groups (Khan, 2010).

(3) *Compatibility of Settlements:* This explains to what extent the distribution of benefits align with the dispersion of power, thus making a settlement or coalition 'compatible'. Khan (2010, p.20) elaborates that the compatibility of political settlements is dependent on the alignment of the distribution of power with organisations with the ability to 'hold power' that could potentially contest the distribution of benefits.

(4) *The sustainability of settlements:* Khan (2011, pp.21, 24) uses the notion of 'operational equilibrium' i.e. strong and weak; where a strong operational equilibrium (and hence political stability) is maintained by a distribution of rents in line with the dispersion of power in society and vice versa. The sustainability of equilibrium depends on the ability of the state to understand local power dynamics and acknowledge the relative strength of organisational abilities. In this respect, Khan explains that a growth-stability trade-off is a necessary condition for the state to sustain its political stability and economic growth. An analysis of this trade-off concerns how the state uses the inclusion or exclusion of local actors in the allocation of state resources.

(5) *Viability:* Such political settlements need to be sustained or readjusted continuously to achieve the desired level of political stability required for economic growth.

[23] The scholars associated with New Institutional Economics (NIE) lay emphasis on the role played by institutions and organisations in economic growth. Khan (2010) uses the same ideas as NIE scholars about the role of institutions which are described by them as structures (or rules) necessary to facilitate the interactions of social actors. Institutions and organisations are considered mutually constitutive elements that shape structure and agency relationship. The agencies operating under these structures are understood as business organisations or political elites that act in ways to either cooperate or oppose, or may resist the enforced rules.

[24] NIE scholars believe that in the absence of rules the cost of organising human interaction (transaction cost or political cost) is significantly high.

Various different kinds of political settlements are found across different countries, largely because the social and political context of each country is different. As such, the formal and informal organisations differ in their operations and their strategies, while the nature of elite bargaining also varies in terms of political institutional restructuring (North, Wallis and Weingast, 2009; Khan, 2010; 2011). Central to political settlement analysis is the organisation of power, opportunities, coalitions, and the local elites contesting these spaces. At this stage I draw on the analytical theme of *power and coalitions* from the political settlement literature, in order to gain a deeper understanding of how power is produced and exercised, and to situate its significance to local elites in these societies.

2.5.1 Power and Coalitions

Power and authority is central to the understanding of the role of local elites operating under political reforms in the FATA region. In earlier sections of this chapter, I referred to how political change or reforms open up new opportunities of power, authority, and incentives – both political and economic – for local elites. These discussions together with Imran's account in the introduction chapter highlight how these incentives are then contested and negotiated by local elites, and as such reforms are susceptible to reorienting local power arrangements. This thesis looks at how local elites navigate around PPA to extract opportunities of power and leadership from newly-imposed structures. An accumulation of power and authority is an important resource for local elites, and this thesis makes sense of how local elites act, behave and interact around it. The focus is on the simultaneous functioning of different institutions – the traditional structures in FATA (FCR), and the newly-imposed PPA, that activates the mutual expression of power that is negotiated and redefined between local elites on a daily basis. In particular, the thesis investigates the micro-level politics to show how power is contested within groups and between them at the local level. The local elites confront a diverse array of actors possessing varying degrees of authority and power. In most cases, individuals confront established power sources, whose primary source of power is constituted in history and culture (Barth, 1959; Lyon, 2002). In this way the social action of local elites is best understood by exploring how these actors navigate around structures, opportunities, and competition in pursuit of legitimacy and claims to power and leadership. Understanding political settlements thus requires an analysis of the sources of power available in formal and informal institutions, and the ways in which individuals accumulate power, and how such power is then exercised.

Power is produced and exercised in multiple ways. Luke (1974) presents three dimensions of power. The first is the direct expression of force on individuals to do something without their approval. This is similar to the Weberian typology of *macht* (power) that associates the concept with *herrschaft* (imperative control), i.e. an actor's ability to impose his will or command over others, despite resistance.

This definition becomes problematic in the context of my research as earlier anthropological observations on leadership in Pakistan (Barth, 1959; Lyon, 2002) highlight that individuals are rational actors and maintain a free choice to switch between leaders. These accounts (Barth, 1959; Lyon, 2002) inform us that individuals operate in these societies in groups to prevent the possibility of direct force from powerful political figures. Also working in a group increases access and opportunities to power and economic resources.

In this sense, local elites have to find alternative ways to compete for followers, and establish their authority. The second dimension of power is about the powerful elite shaping the 'agenda' in their favour. The exercise of power is indirect but concerned with elites demonstrating their capabilities of power, connections, and money to prohibit certain political actions, participation or competition from others. Strategies by local elites to spend personal money and to take part in social welfare activities may eventually confer power on them. On one level, power is expressed by having money and followers, while on another it is about authority and legitimisation mostly done through discourse. The third dimension of power according to Luke becomes more relevant in understanding the relationship between local elites and followers in Pashtun areas, and concerns the discursive techniques employed by the powerful to control and manipulate individual ideological and emotional perspectives without their knowledge. By controlling emotions through various ways such as using symbolic politics or discourses of morality or tradition, or democratic citizenship, the elites encourage the voluntary participation of individuals in political processes without coercion or direct force, even though some of these individuals may be working against their interests.

Anthropological work on Pashtun and Punjab in Pakistan by Lyon (2002) looks at micropower politics and examines the relationship between power, culture and society. In particular the focus is on the ways in which power is negotiated, produced, and exercised by powerful patrons. Lyon (2002, pp.2,3) shows through his work, that power emerges from within cultures, beginning from family structures to wider relationships in society. According to Lyon, power is expressed in relationships surrounding caste and kinship ties, as he observed in Pakistani culture, while he specifies that culture everywhere including that in Pashtun is dependent on asymmetrical relationships to survive. Consensus or disputes arise within these relationships as individuals begin to negotiate for power, equality and superiority (ibid.). There are similarities in my work to that of Lyon's particularly with regards to the accumulation and expression of power by local elites, as cultural relevance is seen when I explore the manoeuvrings of these local elites in two different institutional settings, when they attempt to gain control and when they try to get access to resources.

In this perspective, Khan (2010) elaborates on the organisation of power, the strength of groups and how power is exercised between groups in developing societies. A key feature outlining this strength is the overall 'holding power' of individuals or groups operating in these societies. In Khan's (2010) terms 'holding power' denotes the ability of groups to absorb costs or to inflict them over their rivals. It is pertinent to mention here that the nature and level of political instability, intermediaries' abilities and nature of holding power, and local-level arrangements all vary across societies (Khan, 2010, p.11). Therefore, the inflicting costs too may vary accordingly in different contexts. In some societies that experience a high frequency of instability or violent conflict, which Khan terms as *settlements in crisis*[25], the first dimension of Luke's power is more applicable. The groups may resort to guerrilla attacks, suicide missions, kidnapping, ransom killings, or direct military wars as a means to inflict damage on each other. Here, the state may fail to enforce contractual and property rights, judicial systems, rule of law, and democratic institutes, thus allowing the violence specialists to take control of 'informal' governance obligations (ibid.). Often, the capability of violence or mercenary skills, exercised by violence specialists becomes an essential element of holding power. In other societies, holding power demands the use of different skill sets from local actors. Here holding power may represent the ability of an organisation to engage in negotiations or to build alliances with competing factions. Inflicting costs may therefore denote weakening the political and economic bases of competitors, including using tactics such as persuading followers of opposing group to forge alliances, or attempting to bribe them, hence the third dimension of Luke's power.

How then can we apply the expression of power in a broader societal context? Khan (2010, pp.65–69) identifies the structure of political settlements in terms of the relative power of coalitions. He indicates that the balance in the nature of power arrangements is organised around the extent of influence exerted by each coalition over the other. At a broader level, Khan (2010, p.65) identifies two types of elite formations of coalition. The first is the vertical distribution of elite formation (higher to lower), and the second is forged on horizontal lines (across groups). He identifies four structures of settlements (as tabulated below) involving a mixture of vertical and horizontal distributions of power amongst factions:

[25] Khan (2010, pp.48–9) identifies four types of political settlements, i.e. (1) Pre-capitalist, (2) Capitalist or Open access societies as used by North, Wallis and Weingast (2009), (3) Settlement in crisis and (4) Clientelistic Political Settlement or Limited Access Societies as used by North, Wallis and Weingast (2009). In a *capitalist political settlement*, (often in the case of developed countries or having Weberian impersonal characteristics) the formal institutions operate in an 'impersonal way' and play a significant role in defining contractual and property rights, whereas the holding power is aligned with formal rules and institutions (2010, p.48). All of these categories are expressed to analyse the growth - enhancing capabilities of formal and informal organisations, and whether these organisations create any space to accommodate the power capacities of individuals.

Table 2.1: Structure of Political Settlements Around Coalitions

Coalition	**Excluded Factions**	**Lower Factions**
Potential Development	Weak	Weak
Authoritarian (Vulnerable)	Strong	Weak
Dominant Party (Weak)	Weak	Strong
Competitive Clientelism	Strong	Strong

Source: Khan (2010, p.65)

In the table above, I list and explain the varying types of ruling coalitions, in terms of their compatibility with political reform. In the four types of arrangements, two are in sharp contrast with democratic institutions. In the first, which Khan (2010) refers to as 'Potential Development Coalition', the holding power rests with a centralised leadership at the top level, and is often met with weak resistance from lower or excluded factions. A typical example would be an authoritarian military rule in Pakistan. Should a ruling coalition face less resistance, it will have more leverage and time to impose policies or extend developmental reforms / projects, hence termed developmental coalition (Khan, 2010, p.66).

The second concerns factions organised around an authoritarian rule, but faced with strong excluded factions and weak lower factions. Khan refers to this type as Vulnerable Authoritarian (ibid.). Such arrangements are vulnerable, considering a strong excluded faction may increase its political activity against the authoritarian regime, as has been with the case in Pakistan during the 1960s (ibid.). Here equilibrium is achieved either by coercive measures or direct actions against the political activities of the excluded factions, or when the ruling coalition engages in pacts with weak lower groups, and hence provides more bargaining power to the lower factions (ibid.). In trying to understand this phenomenon, consider a situation where the power rests on a coalition of political parties, whereby minority political parties can potentially forge alliances with excluded groups or vice versa, which can affect the time span, and the capability to pass growth-enhancing policies by the ruling coalition (ibid.). Understanding political reforms from these perspectives, local actors who advocate change in FATA, or those resisting these reforms, can exchange interactions with authoritarian rule (as reflected in Imran's account in the introduction chapter) or either with political parties with a weak foundation of coalition, or with factions that are even more excluded, respectively. Here, local actors demonstrate their 'holding power' (whether it is their capability to control violence, manage the loyalty of voters, money, charisma etc.) in order to influence outcomes in their favour.

Two particular arrangements which are compatible with democratic institutes are Dominant Party (weak) and Competitive Clientelism. In Dominant Party (weak) the excluded coalition is weak, but the lower factions are strong. This is often characterised by a one-party rule, in which the equilibrium of the coalition is maintained by accommodating the lower faction through rent-seeking opportunities for the lower faction (Khan, 2010, p.67). In a sense the ruling coalition focuses on maintaining the equilibrium of its holding power by facilitating members of the lower coalition in policy projects. Khan notes that this negatively affects the strength of the ruling coalition to make effective policy and implementation (Khan, 2010, p.67).

Khan (2010) does not describe the structure of the ruling coalition in tribal societies. While he acknowledges the presence of pre-existing political settlements in developing countries and refers to them as '*pre-capitalist settlements'* he does not elaborate on the makeup of coalitions in these settlements (Khan, 2010, pp.48–49). In some regions such as FATA, the pre-existing political settlements (such as FCR, which will be discussed in the next chapter), are a continuation of the colonial legacy, and the political structures involve weak excluded factions, and strong lower factions (such as *Maliks*, chiefs etc.) who are in charge of local governance. In this thesis, I use the term 'Authoritative-Traditional' to add a fifth category to Khan's framework. Authoritative-Traditional refers to a form of coalition building made of traditional local elites working under a decentralised governance structure. A key distinction between the political settlements identified by Khan (2010) and the authoritative-traditional model is the distribution of power and the relative strength of groups at the level of local leadership. Table 2.2 provides a snapshot comparison between an authoritative-traditional ruling coalition and those settlements identified by Khan (2010).

Table 2.2: Comparison of the Characteristics of an Authoritative-Traditional Ruling Coalition

Coalition	**Vertical Distribution**		**Horizontal Distribution**	**Time Horizon**	**Implementation Capabilities**	**Institutional Type**
	Upper Faction	**Lower Faction**	**Excluded Faction**			
Authoritative-Traditional	Strong	Strong	Negligible to weak	Long	Potentially effective	Authoritative/ Decentralised
Potential Development	Strong	Weak	Weak	Long	Effective	Authoritative/ Centralised
Authoritarian (Vulnerable)	Strong	Weak	Moderate to strong	Potentially short	Potentially effective	Authoritative/ Centralised
Dominant Party (Weak)	Strong	Strong	Weak	Long	Weaker	Democratic/ Centralised
Competitive Clientelism	Strong	Strong	Strong	Short	Weaker	Democratic or Authoritarian

The table shows that the authoritative-traditional model has many similarities with other settlements. These types of arrangement are mostly found in traditional societies, particularly in Africa and Asia.[26] The characteristic feature that distinguishes an authoritative-traditional coalition from other settlements is the make-up of institutional arrangements and the relative power held by lesser groups in the coalition and excluded factions. In relation to the vertical strength of power held within the ruling coalition, power is concentrated at the bottom of the hierarchy, particularly at the level of local governance. Horizontally, there is negligible to weaker presence of excluded groups since the institutional arrangements select tribal chiefs (predominantly male) for leadership for life, and political power is passed on through a by-default hereditary lineage (Reed and Robinson, 2013). Issues of moral traditional values, tribal unity and so on shape the make-up of social and political organisations, and hence informal institutions play a significant part in local leadership (ibid.). Moreover, citizens experience less exposure to the operation of political and economic systems of the settled areas.

Like 'potential development' and 'authoritarian (vulnerable)', the authoritative-traditional coalition has authoritative structures. However, the latter has decentralised political systems (popularly known as self-governance tribal rule, or often referred to as 'administrative decentralization' (Awortwi, 2011), whereas the others are represented by a more centralised system. Conversely, political legitimacy in 'dominant party (weak)' and 'competitive clientelism' coalitions is derived through contested elections. Within dominant-party arrangements, elections are contested in conditions where the ruling coalition has a clear sense of weaker excluded factions (Khan, 2010). In authoritative-traditional coalitions, on the other hand, electoral arrangements are often on the basis of a limited franchise, and are politically managed through a negotiated settlement with the ruling elite in the lower coalition (Ul Haq, Khan and Ulhasan, 2005). Moreover, as for the dominant-party system, the authoritative-traditional coalition contains strong political figures, with a potential to negotiate around the ruling elite's implementation capabilities. Unlike a 'potential development' coalition, which channels its stability and greater enforcement capabilities, the implementation capabilities in an authoritative-traditional coalition are weaker as the ruling elite tends to protect the status quo in regions experiencing violence (Shah, 2012). However, in comparison with the dominant-party system, the formal institutions in the authoritative-traditional settlements are effective in enforcing stability by engaging with the local leadership. These settlements have historically been stable, but have generated low growth as ruling elites redistribute resources through rent-seeking activities with coalition members (Khan, 2010).

[26] Examples of tribal leadership range from certain areas in many developed countries, such as the US and Canada, to developing regions such as Africa, Asia and South America. While a history of tribal leadership may be traced to Neolithic times, a formal arrangement of tribal leadership was generally institutionalised during colonial rule in Africa and Asia (see Mamdani, 1996).

A weak excluded faction therefore allows the authoritative-traditional coalition to have a longer lifespan. In addition, the viability of the political settlement is supported by the legal and institutional structures that allow the ruling elite to control any political activity of the excluded groups – hence a form of suppressive authoritarianism. The stability of an authoritative-traditional coalition mainly rests on the ability of the tribal leadership to demonstrate greater power in managing violence (Jackson, 2005). In general, the potential to contest such a settlement is low as long as stability is maintained by the existing elites. A breakdown in the existing political order can happen in situations where the minimum economic viability required to sustain a political settlement is disturbed for excluded groups. This might result in internal mobilisation by excluded groups or building alliances with groups outside the coalition. More generally, in the event of an escalation of violence, there is a high potential for a new political settlement to emerge (Khan, 2010, p.59). Violence triggered by exogenous shocks (Pierson, 2004), as identified in the Introduction (section 1.3), and endogenous changes (Thelen, 2000; 2003) also contributes to the breakdown in traditional patterns of leadership, and hence provides space for alternative actors to contest for political leadership.

In recent times, the introduction of the PPA (the sequential modification of traditional structures in FATA is influenced by exogenous factors, as will be discussed in detail in Chapter 3) has opened up space for new political actors in the political landscape of FATA, thus making excluded factions more powerful than before (Chapter 5 will discuss the emergence of new political actors in detail). In cases where both the lower and excluded factions are strong (as is now the case in FATA), Khan (2010, pp.67–8) tells us that the state attempts to accommodate all factions. Khan describes the complexity of accommodating all factions in state redistributive benefits as 'competitive' clientelistic political settlement (ibid.). Here, the author explains that, in societies with a large number of fragmented factions, the abilities of political entrepreneurs are put to use to form a number of factions, sufficient to take power. In this sense, while the political party wants to accommodate most of the factions to control stability, the varying level of interest and limited amount of development funds forces the marginalised groups to develop a new coalition. In most cases, clients shift their loyalty to a competing faction that offers them higher rewards (ibid.).

The arguments discussed above show that Khan's (2010) conceptual framework has relevance in terms of understanding the performance of institutions relative to my research – governance, power, local leadership and political reforms. These discussions have enabled us to provide a finely ingrained analysis of actors, incentives and dynamics of change, particularly in a highly politicized and modernised environment. However, four fundamental weaknesses have been identified in the political settlement framework, which are:

(1) The political settlement framework is broadly theoretical and lacks a robust framework to empirically investigate questions related to the understanding of power or to politics on a daily basis at the local level. Studies on political settlement tend to explore the consequences of state policies, and the unintended effects thereof in terms of local level politics, and despite their significance, these studies do not describe the empirical mechanism that emphasizes social and political changes in relation to the dynamics of local leadership.

(2) This dimension of local elites reworking leadership and authority surrounding institutional change is lacking in focus in political settlement studies. These studies refer to changes in the nature of political relationships and leadership as being caused by institutional change, but do not focus on 'how' the nature of elite negotiations or bargaining take place.

(3) The political settlement framework fails to identify the mechanisms by which a state and elites are both able to make transitions from a tribal system, towards more modern forms of political settlements.

(4) The political settlement framework essentially talks about equilibrium in societies. If the main idea is to transform societies, then essentially social transformation facilitates restructuring or resetting social and political order. The main question left unanswered by the political settlement literature is thus: How do you achieve equilibrium in practical terms?

To make these debates more refined, I attempt to analyse how equilibrium or disequilibrium in settlements is ascertained by looking at the role of local elites, and their strategies on the ground. The local elites have capabilities to encourage or discourage citizen participation in political processes, an idea of understanding how local elites negotiate around settlements. In this perspective, restructuring institutional systems in FATA, based on Weberian-inspired parameters, requires an investigation to analyse and understand how policies are understood and experienced at the local level, which can only be attained by investigating the micro effects of programs and the techniques with which they are co-devised by local elites. The political reforms in FATA, which are arguably a fundamental shift from an authoritative – traditional towards a competitive clientelistic environment (PPA) throws up interesting empirical questions related to how the individual/group devise strategies to form coalitions and legitimise their role as able leaders surrounding political change. As such, it is an arena for ethnographic researchers to explore the effects of institutional change at the micro level. Chapter 5 to Chapter 7 aims to empirically explore local leadership and attempts to make sense of how political settlement evolves in the region.

In this thesis, I use the fundamental concepts of political settlement: power, local elites, their corporate functions, coalitions/factions and ideas; and in the discussions that follow, I incorporate literature from anthropological perspectives of local leadership to get a detailed inner logic of the 'everyday' politics in FATA. In particular, I focus on the strategies employed by local actors, and cite leaders inspiring *loyalty*, using *rhetoric* and *networks*, as crucial characteristics required by local actors to emerge as successful leaders. These categories form this research's analytical framework which is focused on the political function of individuals, and the significance of leadership and legitimacy. To understand social and political changes in societies like FATA, these analytical tools give us a better understanding of the everydayness of political reforms and local settlements. These conceptual tools resonated frequently during the analysis and validation of my empirical data collected during my fieldwork.

2.6 The Significance of Political Leadership

The discussions in this chapter have given us a deeper insight into how different groups work at the local level around different settlements when seeking access to power and economic interest. This section situates the role of the leaders of these groups in those contexts. In this section I seek to understand the notion of leadership, the dynamics of leadership, and the context-specific logics in which these leaders operate and legitimise their role as eligible leaders.

The precise definition of leadership and legitimacy is problematic as the subject is approached from multiple dimensions (Elgie, 2001). In the past, leadership was broadly understood through the abilities of individuals to demonstrate and establish authority, and then to exercise power to maintain political control and stability, through the use of direct force, or by taking coercive measures. Earlier studies focused on social and political relations in small scale tribal societies and approached leadership through the theoretical lens of 'mechanical solidarity' in societies - exhibiting members of societies as being glued together by shared values and beliefs (Evans-Pritchard, 1940), kinship ties, local leaders as agents of social control, and noting the significance of informal dispute resolutions (Shore, 2014, p.179). In the 1950s to 1960s anthropologists expanded their focus, particularly on the political role of individuals, as they began to analyse more complex societies. The closest explanation of leadership relevant to my research is that given by Shore who defines political leadership as:

> a system of social relationships involving authority, charisma, and other forms of personal or institutional power, whose rules are specific to, and embedded within, particular cultural contexts (Shore, 2014, p.176).

This definition recognises leadership as a 'process' that involves performative tasks undertaken by those individuals who are in possession of authority (formal or informal), where the rules are context-specific and defined in relation to existing norms of societies (Shore, 2014). This definition is relevant to earlier discussions in the chapter about institutions, political context, and the impact of social processes on the performance of institutions, which highlight that leaders adjust to the environment in which they operate and navigate around the 'rules of the game' (North, 1990, p.3) or the 'rules in force' (Ostrom, 2005), in order to access power and resources. In developing countries this is often achieved by individuals who use different sets of skills such as personal connections, money, charisma, or social capital and symbolic politics to persuade followers. Looking at leadership from this perspective, it is essentially about building a web of relations and coalitions, and using those relationships to develop strategic power (Médard, 1992, as cited by Utas, 2102).

These characteristics of leadership outlined above are aptly captured by Barth's (1959) seminal work in his book entitled *The Political Leadership in Swat*. This study was a significant shift in the theoretical views of earlier studies on local leadership that focused on a structural functionalist perspective towards exploring the political functions of local actors. Barth (1959) studies the political systems of Swat, a scenic valley located in the suburbs of the Himalayas, in the Khyber Pakhtunkhwa province of Pakistan. The main focus of Barth's (1959) work is on the political role of local leaders from a 'transactionalist' or a rational choice perspective as actors who are in pursuit of self-interest (Meeker, 1984, p.576). Barth's work illustrates the ways in which the tribal chiefs, the landed elite class and the saints of the Swat region acquire authority using dyadic and contractual relationships (Christensen, 1982, p.160). The local elites derive their sources of authority from diverse channels, i.e. land holdings (landed elites), religion (saints) and tradition (tribal chiefs), which are enacted in a number and mixture of ways to manage the systems of alliances and to defuse conflict between the followers.[27] Moreover, equilibrium (or political order) is maintained by the local elites who use patronage politics, recruit followers, build alliances, and then sustain viable coalitions. Barth focuses on how the local elites limit the choices of ordinary citizens, as social ties are manipulated by these leaders to maintain their authority. These features as outlined in Barth's work are similar to the contractual relationship in FATA, but as opposed to the hereditary leadership structure in FATA, Barth tells us that the position of tribal chief in Swat is non-hereditary – and that there is competition for becoming tribal chief. As such, the position was dependant on the basis of the interested party's skills and power, i.e. their personal character,

[27] Talal Asad (1972), a Marxist, doubts the citizens in Swat had 'free choice' as the Swat political systems have been dominated by a limited number of landed elite class. As such the citizens might have a free choice to choose a patron available from a limited number of representatives.

economic position and on the outcome of negotiations with other chiefs (Collard, 1960, p.104), which is a similar situation to the emergence of successful political actors in PPA.

In a critique to Barth's (1959) analysis, Akbar S Ahmed's book *Pukhtun Economy and Society (*1980) lays emphasis on culture and norms as drivers of social order and individual action in Pukhtun society. Ahmed (1980) studied the Mohmand Agency of FATA, where the administrative and political structure of the region is divided into two parts. Half of the political and administrative structure of Mohmand region back then in the 1980s, and even at present, is immersed in the settled region of KPK province (previously known as NWFP). Ahmed (1980) terms this part of Mohmand as a region encapsulated within the political systems of Pakistan. The other half of Mohmand is in FATA, and hence regarded as un-encapsulated. Through this distinction Ahmad is primarily interested in showing that there is variation in political relations among Pashtuns, who live under different institutional structures. Ahmad (1980) explains this by exploring the relationship between inter-generational transmissions of values and norms (which are inherited in Pashtun culture) and the impact of institutional structures on political behaviour. In this regard, the author makes a distinction of Pashtun societies by using an ideal-type framework. The un-encapsulated tribes living in FATA who are not subject to a centralised state structure like Swat are classified as *nang* (honour) – for upholding the tradition of honour, values and informal political systems etc., or *qalang* (rent, tax) as those encapsulated within the political systems of Pakistan subject to agrarian or capitalist laws (ibid.). The author asserts that *nang* tribes uphold the Pashtun traditional values of honour embodied in 'Pashtunwali', and that this shows that the *qalang* tribes are unable to prevent the breakdown of traditional codes, as they have largely been compromised by the values inherited in the modern political systems of Pakistan. Ahmed pinpoints that the Swat region falls within the *qalang* category (Christensen, 1982, p.162) and hence terms Barth's transactionalist theoretical approach as misrepresentative of Pashtun culture.

Both these books were written around 50 years ago and since then the socio-economic and political conditions of FATA (as explained in Chapter 3) have undergone many changes. There has been considerable citizen migration outside FATA, in Pakistan and abroad, and its citizens are being exposed to different political systems. Also, the FATA region has experienced a prolonged period of war and political instability. Despite the contrasting approach of these two scholars, the interrelatedness of both viewpoints by Barth (1959) and Ahmed (1980) has significance for the understanding of political reforms and leadership in FATA and KPK, and thereby contribute to the analytical discussions in the empirical chapters of this thesis. Barth's notion of local elites as 'rational choice actors' is useful to understand how the local elites reposition around political reforms to gain legitimacy and loyalty of clients. Ahmed's work has relevance in terms of analysing the relationship of traditional structures in

political management and social order. Moreover, Ahmed's work helps us gain a sense of the different political relationships under two different institutional structures – the party-political system *(qalang)* and FCR *(nang).* Ahmed's (1980) notion of '*qalang'* may have some relevance to help explore the modalities of political relations under party-political structures.

As the FATA region experiences changes in its political structure, i.e. as traditional leadership structures are being modified, there seems little relevance in adopting a framework from the perspective of whether societies have been able to prevent a breakdown in tradition and values. An examination of institutional diversity and change may be useful in the contemporary era to determine whether there is an impact of the party-political system on controlling violence, as intended by the extension of PPA. What we will see in my empirical chapters is that in FATA's case, while the new political elites develop a discourse of rights and democratic citizenship in sync with the political systems of Pakistan as able mechanisms to control violence, the *Maliks* consider the traditional structures as effective (detailed discussion in Chapter 5 and 6). Therefore, it is vital to examine the role of local elites in using moral discourses on tradition, modernity, values and ethics, as strategies to assert their legitimacy in governance – an area ignored in Ahmed's work.

In the following section I offer discussions on the dynamics of leadership particularly focused on the strategies employed by local actors to legitimise their role in governance. These are leaders who inspire *loyalty*, using *rhetoric* and *networks* as important characteristics to achieve success in the political landscape of FATA.

2.6.1 The Dynamics of Political Leadership: Loyalty

Loyalty encompasses the entire frameworks around political settlements. Utas (2012, p.6) analysis on loyalty and leadership in regions affected by conflict informs us that the authority of local elites is determined by (a) their ability to command, (b) to demonstrate loyalty to the state, (c) to organise and instigate collective action, (d) to attract loyal followers, and (e) individual informal abilities to assist citizens privately and overall settlements. Below are listed two dimensions of loyalty that shape an individuals' claim to power and leadership:

(a) Formal loyalty to the state and citizens. Here, local elites showcase strategic action and support to the state i.e. by organising and mobilising citizens to support the interests of the state.

(b) Informal loyalty for the local elites is about having followers (Smith, 2003). Barth's (1959) equilibrium model in Pashtun societies puts under the microscope the dynamic process of exchanges between local elites in Swat, and their close attachment to their followers. More specifically, Barth reflects how settlements are achieved through informal mechanisms where the local elites utilise different strategies

to attract loyal followers. In the process of generating loyalty, one key skill required by local leaders is the ability to resolve local disputes amongst other things.

In relation to this thesis however, I focus specifically on how local leaders deploy informal strategies to gain the loyalty of followers. Elevation to a position of authority is often the outcome of a series of political and social actions (Sahlins, 1963, p.289). The main argument in this section is that in tribal societies, loyalty was about local leaders having permanent official roles, and the primary political function for these local elites was about maintaining social order and performing a mediatory role in state-society relationships. As societies shift towards political structures that provide spaces for alternative sets of actors to emerge, and hence competition, it demands that local elites reconfigure their strategies of loyalties. The shift in institutional structure enables a change in the pattern of loyalty mechanisms i.e. loyalty in the new political environment is continually reinforced by local elites to accommodate a set of followers – relationships which are fluid and continuously being reworked. Some of the strategies discussed in this section include the abilities of local elites to generate sources of income to support their political activities, and how these elites use income to build the loyalty of followers, and sustain legitimacy of leadership. Moreover, the ability of local elites to support followers in gaining access to resources, employment, and other welfare activities is also a determining characteristic to inspire the loyalty of individuals.

First, one of the most important characteristics required by local political elites is the ability to generate sources of income (Khan, 2010). In Khan's understanding individuals or groups in developing countries enhance their power capacities from 'sources outside the income generated by formal institutions' (2010, p.53). In other words, individuals/organisations accumulate power through informal means such as using personal connections and or corruption. Khan (2010) terms this type of settlement as Clientelistic Political Settlement or Limited Access Societies as used by North, Wallis and Weingast (2009), where the impersonalised operation of formal institutions is constrained by the exercise of personalised power (2010, p.48). A problem regarding enforcement capabilities is that the states who have limited productive sectors and generate less tax revenues, spend less on formal law enforcing institutions to control violence; and rely on selected intermediaries in granting access to state benefits so as to maintain stability, and law and order (Khan, 2010, p.126). The dependence on intermediaries results in the state giving up on holding power over its formal institutions. The notion that the state willingly compromises on giving up holding power potentially opens up informal spaces for local political elites to negotiate access to resources, power and leadership. Often local elites use their holding power capabilities to demonstrate their influence and hence bargain with the state through 'rent-seeking' practices (Khan, 2010, p.54).

Secondly, access to key resources, such as employment, funds, contracts, state officials is crucial for these actors to support their political activities. In open access orders formal organisations have a monopolised control over holding power, and therefore they are in a position to grant 'access' to all citizens, who consider it their fundamental right to benefit from state resources. A typical situation would involve state officials observing meritocracy and impartiality in all written applications filed by citizens. This contrasts with how access is granted to citizens in developing countries where productive resources are scarce, and as such people compete for resources. Ribot and Peluso define access as 'the ability to benefit from things—including material objects, persons, institutions, and symbols' (2003, p.153). Here the focus is on locating the local actors' abilities to derive tangible and intangible benefits as opposed to the state's responsibility to grant the right for all citizens to benefits. In this definition the authors point towards the 'bundle of powers' surrounding the relationship of access needed for state resources in developing countries (2003, pp.153–4). These bundles of powers include the abilities of local actors to manipulate multiple social relationships and processes (ibid.).

A discussion of power and politics is crucial for understanding the dynamics under which access is negotiated. Bernard Schaffer's (1975) theory of access provides a crucial insight into the ways local actors use multiple strategies to gain access to public goods and services. The key argument in Schaffer's work is that access is fundamentally political in nature. The author understands that the politics of access manifests itself in situations, which Khan (2011, pp.21–4) describes as 'weak operational equilibrium'. Here, the focus is on the state's inability to judge the relative strength of organisational abilities, and subsequent redistributive benefits. Often, the applicants deploy strategies in situations where they are left marginalized in the distribution of state benefits. In such a situation the existing arrangement of political settlement is disturbed by excluded groups that mobilise to resist the state pattern of distribution. In this case, individuals may use their abilities to build on their holding power in order to use their personal and political connections. Often, these individuals operate collectively to create spaces for themselves in distribution systems. Here, a political settlement is achieved when a new pattern of benefits considers the inclusion of the excluded groups (ibid.).

As is often the case in limited access societies, access to state resources is in the control of the political party in power and is generally redistributed amongst those individuals with the ability to accumulate votes (Médard, 1982). Mezzera and Aftab (2009) capture the patronage system in a Pakistani polity as follows:

> Local-level social and economic ties are mobilized and support is given to patrons in exchange for the real and perceived benefits it may bring to one's self, family, village or *biradri*. Once in power, patrons can use their position within the formal system to reward their clients with contracts, jobs or

> development resources. In these circumstances, those who enter politics or the civil service are expected to use their position to advance their kin, *biradri*, clients and patrons (Mezzera and Aftab, 2009, p.27).

Mezzera and Aftab (2009, p.33) observe that politics in Pakistan is 'personalistic' in character, where powerful social identities rely on patronage and create spaces for themselves in public service delivery for personal gain. This is made possible due to the exploitation of weaknesses in a society that has been unable to 'show the capacity to counter the existing elite alliances in control of the distribution and access to power in the country' (Mezzera and Aftab, 2009, p.27).

The third most important characteristic is the ability of local elites to use personal income for political activities, or to support welfare activities. Javaid (2010, p.128) argues that powerful elites control the political arena in Pakistan and that these elites have hijacked the democratic process. In most cases, local elites use personal income as a form of investment for/in providing basic necessities for voters of their constituencies. The author notes that powerful elites that consist of influential villagers, tribal elders, drug barons, black marketers, hoarders and speculators consider election processes as a form of investment (ibid.). Running for election is an expensive process, and beyond the reach of the poorer sections of society. The election expenses begin with a financial value attached to the allocation of a party-political ticket. The candidates compete for party tickets in their constituencies, and in most cases make financial transactions to party funds as a condition to attain a party ticket. Running for elections also has variable costs, i.e., 'the financial transactions flourish for hunting or hounding the voters' (2010, p.128). Javaid (2010, p.129) further identifies the process through which local actors attain a return on their 'investment', observing that when in power such actors gain access to state resources and make good their investment through corruption. The author notes that these practises can have a severe impact on the everyday life of ordinary citizens as they get less returns on resource use, while their cost of living increases (2010, p.129).

2.6.2 The Dynamics of Political Leadership: Social Networks

An analysis of social networks enables a deeper understanding of the nature of political and elite arrangements in the social and political structures of limited access societies. Networks exist in different forms. To name a few, these include ties of a primordial, dyadic, ethnic, religious, organisational, and other informal nature. As such, what drives these networks and social identities that facilitate these ties? Primordial ties tend to be more static, hence leaving not much space for change. Typical primordial frameworks (Geertz, 1973; Douglass, 1988) assume that although there are debates about change, traditional bonds, affiliations and orders remain intact. With respect to understanding power and change, the instrumental and social constructionist approaches in conflict theory are more relevant.

What has become quite clear from the instrumentalist approach is that elites have a much closer attachment/detachment to these social identities (Brass, 1991; Glazer, Moynihan and Schelling, 1975). The social constructionist view understands that structural changes or political reforms/policy essentially drive these changes (Anderson, 1991). This thesis reconciles both these perspectives to develop an integrative and dynamic framework that make sense of social and political changes in FATA.

Social networks develop from personal relationships and interactions, ranging between two individuals (Sandbrook, 1972), or layers of relationships are extended across the wider society (Clapham, 1982). A number of anthropological scholars (Boissevain, 1966; 1974; 1980; Sandbrook, 1972; Davis, 1977; Gellner, 1977; Nelson, 1996; Wood, 2000; 2004; 2006) refer to the nature of these interactions as patron-client roles adopted by multiple actors in developing societies. The concept of patronage concerns a systematic relationship between local elites and the general public (ibid.). The roles of patrons and clients operate in a hierarchical structure (Boissevain, 1966; Gellner, 1977) with individuals possessing unequal power or social status (Sandbrook, 1972, p.108). Some scholars equate the concept with an individual expression of power over another individual with a weak status. Other anthropologists focus beyond a 'dyadic asymmetrical reciprocity of patronage for a more class based analysis' (Lyon, 2002, p.8). The relationship between a patron and client is deemed personal, and the strength of the relationship is formed on the reciprocal nature of fulfilling obligations (Sandbrook, 1972; Nelson, 1996).

The intrusion of social and political ties, micropower politics, and informality suggest the fluidity, or permeability of public-public boundaries in the context of the developing world, which is continuously being reworked by local actors. Wood (2000; 2004; 2006) distinguishes this permeability into two categories: positive and negative. The former refers to state institutions and elites responding positively to normative good governance principles during the implementation of policies and delivery of services. The latter informs us that poor citizens in developing countries rely on a network of contacts to access basic facilities and personal security. Here, poor citizens identify an elite (who is of higher status) as a potential 'social network' and interact with them on a regular basis, forming personal relationships, and bargainings, which in-turn allows the elite to redirect resources to the individuals who will potentially support their personal interests (Wood, 2000; 2004; 2006). For instance, where a citizen's dependency (in rural agrarian societies) on a local landlord is high, the power pendulum shifts in favour of the latter. Thus, elite with significant landholdings, capital, or local level influence is better positioned to act as an informal representative of poor citizens to negotiate with public officials.

Using social networks is a primary resource for local elites to enhance their followers' loyalty towards them, and with it their power and authority. Guyer (1993) noted, that in certain cases a loose web of contacts is more significant for local elites than using money or official status. In his research on power and patronage in Pakistan, Lyon (2002) argues that individuals play a dual role i.e. acting both as patrons and clients depending on the nature of the transactions, and that a 'patron' is not necessarily based on monetary status. The author indicates that the patron-client system in limited access societies needs to be understood as one that is organised around a set of roles rather than a narrow focus on economic positions (ibid.). Aspects incorporated into studies of patronage include exploring society as divided by class interest (Gilsenan, 1977), non-material interests such as social power and status (Devine, 1999), and an individual's ability to organise groups and the ways in which these groups manage relationships horizontally with other groups (Colclough, 2000) and resist (Scott, 1985).

Patron-client discussions up to this point reflect the role of patrons and clients in a static institutional structure, whether the relationships are studied in a tribal system, authoritarian context, or democratic multi-party system. To my knowledge, there is a significant gap in the existing literature on patron-client politics identifying how patrons change, or how new patrons emerge in the context of institutional change. The introduction of new political elites in FATA potentially opens up competition between traditional elites and new actors to accede to the position of authority, or to become suitable patrons. This thesis empirically explores the dynamics of such competitions. Clapham (1982) had earlier explored similar dynamics by showing how politically-driven exchanges and loyalties manifest themselves in both authoritarian contexts, and multiparty systems. His key point is that systems of patronage and clientelism are best understood when examined from the perspective of personal relations between a patron and client, rather than a cultural manifestation generally associated with specific cultures (Lyon, 2002). Understanding social networks thus helps to explore the changing pattern of personal loyalties forged between individuals, the fragility of these relationships, and about how local elites develop relationships with a wider network of contacts.

In a multiparty context Auyero's (2000) research on Argentina is a classic example of the everyday workings and operations of networks and personal relationships in daily political life. In some ways my research is similar to that of Auyero (2000), who examines networks as 'survival' tools. Much of Auyero's work focuses on the operation of micropolitics at a village level involving interactions between community members, political brokers, and party-office holders, organised around a local-level leader all in order to gain access to state resources. The author notes that party members use these interactions to demonstrate their loyalty to the party, through an organised hierarchy. Daily activities like community members supporting party office holders in arranging a political gathering are highlighted to

show that members of a group use cumulative loyalties for effective political gatherings. Auyero (2000) shows how the local elites mobilise community members to support a political candidate, with the author discussing aspects such as organising political gatherings, and distributing things such as placards and t-shirts, or involving loyal supporters in development schemes. Auyero's illustration of micropolitics in Argentina is similar to my research, where the local elites attempt to facilitate loyal community members.

Other forms of networks are forged between groups or coalitions at the local level. One key way to accumulate power for a leader is to recruit individuals and to develop and maintain coalitions. Despite the significance attached to the role of coalitions or factions in political settlements studies, the literature pays little attention to the operation and inner politics of these organisations. In this regard, I use debates from several political anthropologists who have identified coalitions with five characteristics. The first characteristics designate groups as in competition for power or are engaged in disputes. Boissevain (1964, p.1276) explains, that coalitions are loosely-organised groups that are engaged in disputes within organisational sub-groups, or between two groups of a similar level of structural complexity (Brumfield, 1994, p.4), or dissimilar groups based on their structure and functions. Secondly, as noted by Boissevain (1964, p.1276) and Nicholas (1977, pp.57–8), factions are not *corporate groups* and operate within a time limitation. Boissevain further adds that the term 'faction' becomes irrelevant for groups that attain a higher order, i.e. 'when a faction solidifies and assumes certain permanence' (1964, p.1276). The author notes that the studies on factions' lack focus on criteria that are 'used to judge the relative solidness and permanence of factions' (ibid.). Third, factions have *political* functions (Nicholas, 1977, pp.57–8). The fourth is related to the recruitment abilities of leaders. Finally, the fifth characteristic concerns recruitment on diverse interests (ibid.) or how different members of factions use cumulative skill sets to achieve a common goal.

Regarding the fourth and fifth characteristic, I endorse Hill's (2013) understanding of factionalism that refers to an examination of a group of individuals operating under a leader actively seeking change within a formal institutional pattern of distribution, either for economic or non-economic interests. Khan understands factions to be 'opportunistic arrangements' and observes that the modern patron-client faction is 'constructed on the basis of a rational calculation of interests by both patrons and clients and has little to do with traditional deference or cultural values' (2010, p.61). The foundation of a strong faction is laid on the distribution of benefits. The loyalty of clients is subject to the ability of patrons to offer higher rewards. Conversely, in the context of my empirical observations, factionalism can also be understood as local elites who mobilise individuals to position themselves as eligible representatives of the political party in power. My experience is similar to Devine's (1999, p.91) research that observed a

similar pattern in Bangladesh. Devine (1999) notes that factions and social status are rooted in patron-client systems. The author sees patronage as not exclusively limited to financial gains; rather, it is also used by individuals to develop their profiles to seek social status. His research identifies the manipulation of social status by the village leaders so as to assert their claim to leadership. This observation is opposed to Hill's understanding that positions the function of factions as in dispute with formal institutions. Conflict or disequilibrium arises under certain conditions as Khan (2010, p.67) notes when a state's persistent dependence on the existent inclusive systems increases the possibility of marginalised groups intensifying their recruitment efforts. These groups use the option of rhetoric, physical action or exit as strategies to seek change in official power structures (Lewellen, 1983, pp.104–5).

2.6.3 The Dynamics of Political Leadership: Rhetoric

My analytical framework fits around the notion of leadership, power and authority and is based on three core themes: loyalty, networks and rhetoric. These three analytical categories can give us an idea about the micropolitics of political settlement in the context of leadership in the FATA region. Political settlement and authority is not only about loyalty and networks as outlined above. For instance, another way leadership is legitimised is through recourse to rhetoric (discourses). In other words, the ability to persuade or convince followers through rhetoric is important in better understanding the strategies made by local elites around leadership. In this way, rhetoric becomes an important part of what constitutes legitimate authority in the FATA region.

During my fieldwork the respondents would often cite '*mung da khpal FATA awam da para awaz porta kao'* (we are speaking up for the people of FATA). Phrases, such as 'we' (the local elites), 'our citizens', 'speaking up' and other rhetoric are being used by elites to persuade their followers in different contexts. For instance, Auyero (2000) cites local leaders using terms like 'my people' and 'my community' as ways of showcasing their close attachment with and ownership of their followers. Rhetoric in a 'normative' sense denotes local elites making citizens aware about their political rights and a just political system. Sometimes, these voices are often deemed 'manipulative' where local elites maximise their advantages for their self-interests. In this sense, these 'voices' are central to the understanding of the strategies used by local elites to establish their political positions, power and actions.

How can we make sense of local elites 'speaking up', and in particular its significance in a changing political environment? Moral discourses around tradition identified in primordial theories of conflict are about traditional elites asserting the significance of customs, values, social order, closed-knit

communities, blood relations, brotherhood, territorial boundaries, and the significance of traditional leadership. In contrast, the reference point for modern discourses for the new political entrepreneur is about challenging traditional structures, opportunities, looking outward towards political rights, and a whole series of modern phrases like democracy, equality, political welfare and new patterns of external influence or connections. This thesis argues that contests between traditional and modern discourses can be resolved around the ability of local elites to win the argument around discourse. Other resolutions include local elites observing emerging trends and adapting to the new political environment i.e. as discourses evolve the elites transfer some of the context and fuse it with the original discourses. This of course is problematic for traditional elites because their normal legitimising discourse surrounds the likes of primordial ties, deterrence, and order. The main area to explore is how the local elites align traditional discourses with modern ones, which is about rights and entitlement, and democratic states and citizenship. Other empirical questions emerge, such as whether or not local elites try and adapt to changing political environments and to be entrepreneurial in building up authority. This thesis therefore explores the ability of local elites to persuade or convince their followers through discourse, which is important to the understanding of power, settlement and leadership.

2.7 Conclusion

The political settlement framework gives us a useful insight into analysing the differences in institutional performance and evolution across countries. These observations show that the attention of the international development community is misplaced by identifying good governance and democratisation as effective tools to manage political settlements in developing countries. The lack of focus on evidence on the ground results in development failures causing political instability. The difference in developed and developing countries is that the latter have struggled to isolate *personalised* transactions in administrative and political duties. Informal organisations are the dominant mode of institutions operating in developing countries. In developing countries the state uses the services of 'intermediaries' to control violence. Settlements (or stability) at the ground level is maintained by routinely granting access to those intermediaries that have access to violence, and the ability to hold power at the local level.

In this chapter, I drew from the theoretical framework of political settlement (North, Wallis and Weingast, 2009; Khan, 2010) to situate the role of local elites in political settlements, and to examine the politics of redistributive benefits amongst local elites. The underlying assumption put forward by these authors was that political settlement in developing countries is surrounded by a set of power

relations in which arrangements are shaped by a complex web of networks and interpersonal relationships. Political settlements in developing countries are extremely complex with different regions possessing diverse local-level power dynamics. An understanding of the distribution of political power of local elites is crucial for our understanding of the ways in which the settlements evolve. Crucial to the settlements are the alignment of the distribution of benefits in line with the dispersion of political power of local elites. The alignment is dependent upon the political power of groups, and the way they negotiate around a particular settlement. Depending on the nature of the holding power of different groups, settlements are disturbed in situations where marginalized groups are organised by collective action to change the pattern of distribution of state benefits in their favour. I have used three analytical tools, *loyalty*, *networks* and *rhetoric* by means of which the local elites attain their legitimacy and loyalty. The empirical chapters of this thesis will examine how elite bargaining and resettlement happen in everyday life and practice.

In sum, this research goes beyond the analysis of governance from both a state perspective, and societal perspectives, and rather focuses on the role of local elites in political settlements and reforms. The focus on local elites helps to explore the conditions under which local elites navigate around newly-imposed structures and encounter protests, resistances, exploitations and transformation (Lie, 2004; Li, 2007; Long, 1992; Gardner and Lewis, 1996). The next chapter gives a historical analysis of political settlements in the FATA region, with a specific focus on situating the governance role of *Maliks* (being the dominant local elites historically) surrounding those settlements.

Chapter Three

A Historical Perspective of Political Settlement in FATA

3.1 Introduction

In Chapter 1 I highlighted three key themes that will the drive the analysis of this chapter in relation to FATA: Political settlements, the governance role of *Maliks*, and power. This chapter outlines the historical context as well as the developments in relation to my analytical framework. In particular I cover two key areas. The first states that the governance role of *Maliks* remains largely unexplored empirically; as such, this chapter seeks to understand how the existing literature makes sense of their leadership role in FATA. I locate within the existing literature the emergence of *Maliks* as an institution, a form of authority, leadership, and how it has modified (weakened or strengthened) in response to external changes. Second, I focus on the emergence of alternative and informal forms of leadership in FATA, challenging the superior political power and authority of *Maliks*. Contextualising the intricacies of local leadership in FATA from this perspective will help make sense of PPA and its impact on local power dynamics, which is explored in the empirical chapters.

The existing literature on the historical construction of the governance role of *Maliks* is two-dimensional. The first dimension concerns the objectivising generalisations contained in the anthropological accounts of the FATA region, written by Western writers serving in administrative capacities during both colonial and post-colonial periods. As with classic anthropological literature, which is based on 'a historic generalization … that disguise[s] heterogeneity within local culture' (Gardner and Lewis, 1996, p.23), these accounts also reflect the depiction of *Maliks* from an anthropological perspective. Neglecting the historical specificity of the tribal elders' role in governance, the *Maliks* are interpreted as an instrument of the institutional apparatus of the hegemonic British and Pakistani governments, a tool for the surveillance and control of the population in FATA.

Although these studies acknowledge the significance of *Maliks* in local leadership, there is little known about the perception and political functions of these actors, and how they react to changing political settlements. These studies neglect analysing *Maliks* as an informal institution by itself, and the internal heterogeneity within *Maliks* as an institution. Also none of these studies offer an empirical analysis of the role of *Maliks* as agents of peace, in terms of their contribution to enforcing stability in the region. This chapter situates the governance role of *Maliks* within the political settlement framework, first through exploring their role as 'active' entrepreneurial leaders, and secondly, as political actors with a strong ability to influence social and political processes surrounding changing political dynamics.

The political settlement in the FATA region has undergone many changes in the course of its history. In order to understand these changes, I first examine the historic shift in the nature of political settlements in FATA and analyse the political dynamics of institutional evolution that were intended to improve the political order in the region. I discuss this through three main stages. In the first stage, a discussion on the pre-colonial era, albeit briefly, will allow the reader to understand the region's geopolitical significance, the role of local chiefs, the decline of Central Asian rulers, and the events that led the British to take formal control of the FATA region. The second stage discusses British colonial rule and revolves around three themes:

i. The political dynamics surrounding the implementation of the Frontier Crimes Regulation (FCR) in 1901 – a decentralised bureaucratic governance structure designed by the British to control the population.
ii. FCR as a mode of political settlement to accommodate local tribal elders.
iii. The rise of tribal *Maliks* as important political figures. In the new political set-up, the tribal chiefs, mostly from the pre-colonial era evolved into an official category of *Maliks*.

These discussions are crucial to understanding Pakistan's continued use of the British mode of political settlement following its independence, i.e. facilitating a bureaucratic–*Malik* nexus and its alliance with the ruling elites. In the third stage I discuss the post-colonial era in FATA that is marked by significant political events. In this section I tease out the complex interplay between the limited choices available to the ruling elites in Pakistan, due to a geopolitical environment bordering on an existential threat to the state, the critical rupture moments in the politics and leadership of FATA resulting in the emergence of alternative power sources, and most importantly I explore the abilities of tribal *Maliks* to (re)negotiate their significance in the PPA.

In this chapter I have used three types of sources to make sense of the political context in FATA, and the governance role of *Maliks*. I draw extensively on a narrow range of anthropological work by the US and British administrators in the FATA region at the time, namely Robert Bruce (1900), James W. Spain's *The Pathan Borderland* (1963) and Olaf Caroe's *The Pathans (550 BC–1957AD)*, published in 1958, and by Paddy Docherty (2008). Given the paucity of scholarly sources available on the political role of *Maliks* I conducted informal discussions and interviews during my fieldwork with respondents who narrated stories of their ancestors and shared inter-generational transmitted information related to the evolution of the *Maliki* system. The information was triangulated by cross-checking with other respondents. Some of my respondents had lived long enough to witness institutional developments of *Maliks* in post-independent Pakistan.

3.2 Pre-Colonial Era: Volatility, Coalitions and Local Leadership

The existing local leadership in FATA is best contextualised by exploring how it has evolved over time. At the onset, it is prudent to clarify that the pre-colonial historical accounts on FATA offers little in the way of ascertaining the dynamics of local leadership in FATA. This section uses the literature available on local elite pacts and coalitions that existed between the ruling elite and local counterparts (Docherty, 2008, pp.37–8) to provide an insight about the nature of political settlement at the time, and the relative strength of organisations or groups in these societies. These included the ruling elites facilitating local counterparts in governance, and the exchange of gifts (land, wealth, bribes), all of which were used to maintain social control (ibid.). Moreover, the main emphasis in the historical account is on the political dynamics of the region, and the ways in which the ruling elite managed political settlements. The discussions that follow in this chapter, together with the empirical chapters of this thesis will elaborate further on how similar dynamics play out to determine local leadership and political settlements.

Drawing from the analysis of social order and violence by North, Wallis and Weingast (2009), Khan (2010, p.59) describes the nature of political settlement in the pre-colonial period of developing countries as 'pre-capitalist'. In the 'pre-capitalist' political settlement the ruling elite were concerned with maintaining the status quo with the prime focus of establishing writ over the region. The FATA region has experienced continuous power struggles over the course of its history, and has encountered several invasions by armies, all having two key objectives (Caroe, 1958; Docherty, 2008). First, the FATA region was generally perceived as volatile, as the local tribesman engaged in fierce battles with invading armies. The political elites encountered fierce instability from 'multitudinous nomadic tribes – horseman who would appear suddenly and devastatingly to raid the settlement of civilized areas' (Docherty, 2008, p.9). Each ruler used the region as a buffer zone to prevent violence spreading to the settled region within the empire. Second, the ruling elites during the pre-colonial era employed expansionist strategies, due to imperial ambitions, by stretching the geographical boundaries of their kingdom. In the Pashtun region the invading armies used the Khyber Pass as a strategic entry point to Central Asia or to the Indian subcontinent (Spain, 1963; Caroe, 1958; Docherty, 2008).

In pre-capitalist political arrangements, Khan (2010, p.59) notes, the holding power largely remained within dominant groups. He further explains that the formal rights of ruling groups were aligned to serve the interests of elite coalitions – mainly those groups with the capacity to control violence (ibid.). During the Mughal rule in India, influential locals were nominated to bridge the gap between state and society. The ruling elite relied on big landowners called *Amirs* and feudal chiefs to generate revenue that 'embodied both power and patronage' (Misra, 1977, p.310, cited in Khan, 2012, p.37). The Amirs were given a noble status, while the feudal chiefs had an official status. The performances of both these

classes were dependent on raising the revenue required for funding regional wars (ibid.). Furthermore, the feudal chiefs were assigned an additional role in administering informal governance obligations at the local level (Richard, 1993 as cited by Khan, 2012, p.38). Khan (2010, pp.58–9) acknowledges that while the political settlements were relatively stable, the formal institutions were not growth enhancing, as they were faced with patronage politics, inequalities, and internal disintegration (2010, p.58).

During the eighteenth century, the local tribal chiefs emerged as significant power centres. The recorded history of the significance of tribal elders is reflected in the rule of Ahmad Shah Abdali (1747–72). Ahmed Shah himself belonged to a weaker clan in Afghanistan (Sadozai) and his accession to ruler was thought to be motivated by the fact that since he belonged to a weaker clan, his removal when required would be an easy process (Gregorian, 1969). Ahmad Shah Abdali (the first ruler of the Afghan state) undertook various measures to maintain his power and authority. One such measure was to grant sizeable tracts of land to the traditional chiefs of his clan (Durranis) in order to strengthen his power (Sammon, 2008, p.20). As in the times of some earlier rulers who had a tight confederation with strong central control, Ahmad Shah's kingdom 'resembled a loose confederation of tribes and khanates with rather weak central authority' (ibid.). Over time, internal differences between the elites weakened the coalition as the feudal chiefs demanded more autonomy. To reinforce his position, Ahmad Shah adopted a different strategy so as to restore political order in the region. He reduced his dependence on tribal chiefs and devised authoritarian policies to enhance his military might, focussing on the expansion of his empire in the Indian subcontinent (ibid.). After his death, the same policy was continued in vain by his son, Taimur, who could not sustain the powerful alliances of tribal chiefs, who otherwise remained loosely confederated but who had become strongly united against his rule (Sammon, 2008, p.21).

The FATA region has witnessed a prolonged period of instability giving rise to hereditary politics and infighting between family members with regard to gaining succession to political leadership (Docherty, 2008, p.130). Taking into account the varying levels of political settlements through the course of its history, Docherty (2008, p.10) analyses that some invading ruling elite preserved the local system of culture and governance, whereas others relied on aristocracy, or attempted to institutionalise their own ideologies, whether social, religious or administrative, within the local culture to maintain social order in the FATA region (Caroe, 1958, p.25). Docherty (2008, p.11) believes the imposition of external ideologies on the local culture formed hybrid structures that led to law and order issues and problems of governability which have lasted until the present day. Khan (2010) notes that the real problems for developing countries began when the colonial empires invaded them, which meant that they were faced

with economic and military competition from those that had more developed and productive economic and political systems (ibid.).

3.3 British Rule and Governance: Towards a 'Stable' Political Settlement

This section and the subsections on British rule trace a series of political events, and techniques devised by the British to manage the FATA region. This discussion consists of two main aspects: First, the British settlements plans with regard to contrasting and customised models of governance, relative to the political context of each Pashtun region. Second, within these resettlement plans, I situate the emergence and significance of tribal chiefs, known locally as *Maliks*, in governance.

Yousafzai (2010) explains that the current political struggle in the FATA region can be understood in its historical construction starting from the nineteenth century. In what was known as the 'Great Game' two superpowers of the time, i.e. Britain and Russia, engaged in a rivalry fought over Central Asia for political and economic reasons. In the Pashtun region the British authorities initially positioned themselves at a distance. The British administration placed itself at the apex of economic and trade relationships with the Sikh government in the Indian subcontinent. The Sikhs that followed the Mughals strengthened the position of alterative groups within the Pashtun to bring hill-tribes under their domination. The procedures adopted included bribing influential locals (Caroe, 1958, p.102). In the settled regions, the Sikhs imposed rules and regulations, maintained order and invested in infrastructure via the revenue collected from the region (1958, p.346).

However, the British were unimpressed with the way their key allies (Sikhs) handled the political and administrative management of 'north-west frontier tribal India' (Spain, 1963, p.101), the region is known in present times as FATA and KPK in Pakistan. Sikhs indulged in favouritism as Hindu money lenders from native Punjab were indiscriminately allotted tracts of land in the north-west frontier areas (Spain, 1963, p.102). Also, the rigid method of tax revenue collection that included killing Pashtuns in circumstances of non-adherence led the British to assume control of the region's administration (Spain, 1963, p.104). The nature of political settlement began to change with the intrusion of British rule. According to Spain (1963, p.116) the British authorities identified violence and disorganised political structures as key governance problems in north-west frontier tribal India. When the British took formal control of the Indian subcontinent the administration lacked a coordinated policy and initially relied on the policies of its predecessors. Its policy makers considered it prudent to assume responsibility for the settled regions since it was unable to directly assert its influence over the lawless and powerful tribes in the hills (ibid.).

3.3.1 Customised Governance, Coalition Formation and Indirect Rule

In the following years, Britain brought significant changes to the pre-existing political structures of the region presently known as FATA (Khan, 2010, p.59), and ended up using a variety of coercive measures to control the region. This included a 'closed border policy' and 'forward policy'. The main feature of the closed border policy (1849–78) was to signify the settled areas as a natural and cultural boundary for administration purposes. The policy served two political objectives. First, it was decided to adopt a policy of non-military aggression and to limit direct interference in tribal affairs (trans-border tribes). Second, the chief interest of the British was to guard the settled districts (Baha, 1978, p.5). The administration kept a distance from operating within the tribal areas; rather, it maintained political control from a base within the settled region. Spain (1963, p.116) adds that the British employed a number of techniques ranging from devising a policy of subsidies and blockades to occasional interference in tribal affairs, often resorting to disciplinary punishment. Agreements were signed with the tribes to deny sanctuary to outlaws and to ensure friendly relations with the government (Baha, 1978, p.5). British authorities also utilized economic instruments to control the tribal population such as excluding the entry of criminal tribesmen from markets and centres of trade in the settled areas (Caroe, 1958, p.350).

In the late nineteenth century, the British authorities were concerned about Russian advances close to the Afghan border. In order to counteract Russian expansionism the British authorities reviewed the existing policy. In what was termed the 'forward policy' (1878–1901) the British administration increased its influence in tribal areas. According to Ul Haq, Khan and Ulhasan (2005), the British had four key objectives with this policy. These were: (a) direct control of tribal territory; (b) demarcation of British boundaries, i.e. the geographical spread in administrative control; (c) use of mineral resources; and (d) the protection of India's security. The British administration increased its influence in the Indian subcontinent to include parts of Afghanistan, such as Kabul, Ghazni and Kandahar (Baha, 1978, p.6). The 'forward policy' involved adopting Colonel Robert Sandeman's procedures as applied in the neighbouring province of Baluchistan. This was done through a peaceful penetration of the frontier tribal land, based on 'knowledge and sympathy' (Spain, 1963, p.116). Colonel Sandeman's policy in Baluchistan involved four elements that focused on inclusive local level participatory governance: (a) decentralising powers to tribal elders to counter competing forces; (b) educating the tribal people; (c) settlement of the tribes (ibid.); and (d) economic opportunities, developing infrastructure and employment of the tribesmen, in return for creating a favourable environment for the British administration (Spain, 1963, p.117).

A European-style administration was only extended to the people living in settled areas whereas those in the tribal areas were marginalized (ibid.). Spain (1963, p.116) argues that the British administration relied on regional actors to impose social order in the tribal areas. Of particular importance in tribal areas rule has been the colonial dependence on local tribal chiefs. This nature of political settlement actually followed the British framework as applied elsewhere around the world involving the use of local power structures to achieve political and economic interests, rather than overthrowing them altogether (Sammon, 2008, p.25). Here, I turn to Mamdani's (1996) account of colonial rule in Africa to understand the rationale for the customised nature of political settlements employed by colonial rulers. Mamdani (1996) asserts that British colonial powers in Africa produced a 'bifurcated state' that divided countries into rural and urban subjects (Tignor, 1997, p.1541). Here, the rural tribes were politically managed indirectly through tribal chiefs, while the urban areas were under a more modernised and civil law. Often, the colonial powers compromised on extending European-styled governance to tribal areas, in favour of settlements that addressed general law and other concerns of order (ibid.). Mamdani's (1996) central argument is about 'decentralized despotisms' (Cooper, 1997; Austen, 1999, p.406) – a term referring to the transfer of decentralised powers to the tribal chiefs by the British, hence institutionalising, redefining and redrawing local authority mechanism, and the relations of state with society. For Mamdani (1996), the nature of political restructuring and designing and its subsequent impact on local leadership and society concerns more the issue of governability in contemporary politics than that of economic resources (Cooper, 1997; Austen, 1999).

Caroe (1958) noted that the British authorities had devised a distinct governmental rationale that excluded local social and political circumstances from their diagnoses and prescriptions to manage violence in FATA region. They faced a different pressure than that experienced by other invading rulers as the application of Western-imported ideas within local institutional apparatuses had little relevance in terms of controlling Pashtun society and its population. Caroe (1958, p.346) believed that the British policies raised some fundamental issues:

> The British judicial system, with its lawyers and its appeals and its European scale of crime values, was hopelessly out of accord with Pathan sentiment, not only in the tribal territory but within the districts also. The rigidity of police and magistracy emphasized the advantages, in the eyes of many, of the freer life on the other side of an arbitrary border. The law frequently outraged strongly held convictions …The whole thing, for years, was a garment that did not fit. (Caroe, 1958, p.353)

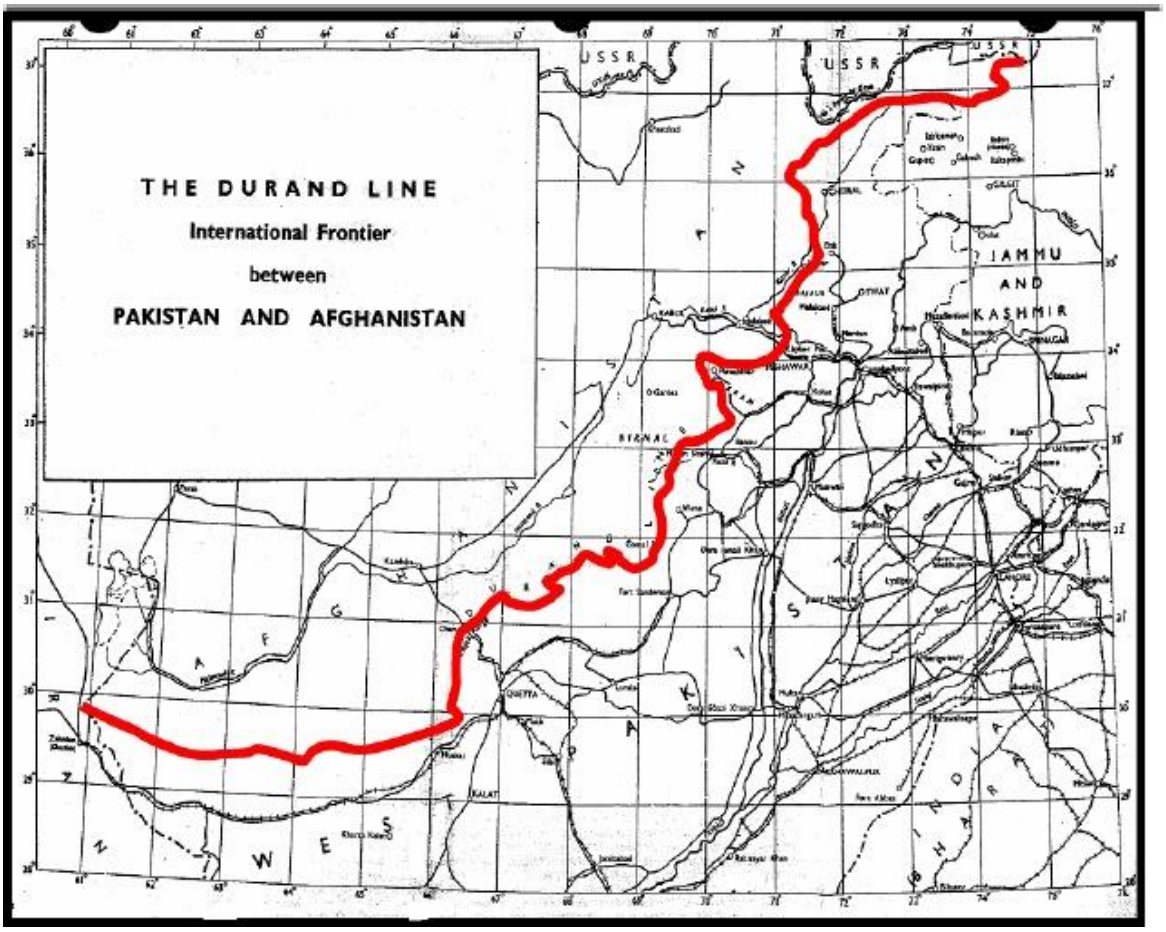
As illustrated above, Caroe (1958, p.353) attributed the failure of the closed border policy to its negligence towards local customs and traditions. The application of Western knowledge in a society with different standards raised many administrative and political issues. The policy attempted to create

division between the Pashtun living in settled areas and those in the tribal belt. Caroe goes on to assert that the closed border policy produced hybrid governance as the policy neither satisfied the Western imposition of laws, nor adherence to local customs (Caroe, 1958, p.355).

3.3.2 Emergence of Maliks as an Institution: Identifying Political Power of Maliks

The history of the *Maliki* system can be traced in a book by Robert Bruce, entitled *The Forward Policy and its Results* (1900). Bruce (1900, pp.298–301), then the British-appointed Deputy Commissioner in Derajat Division, extended Sandeman's policy of limited self-rule governance in Waziristan Agency of FATA. Bruce (1900, p.368) maintained that the extension of Sandeman's system was necessary for the British Indian government to establish its authority in this region. Bruce (1900, p.253) reported that the system encountered increased resistance from Mehsud tribes in Waziristan. Moreover, the forward policy moves alarmed Abdur Rehman (then Amir of Afghanistan) regarding the intentions of the British Government in India towards Afghanistan. Despite the alarms of forward policy, the Amir of Afghanistan had little options to resist the British plans. The Afghan Amir was forced to settle the border dispute or risk cutting the supply of arms from the British which Afghan desperately needed against the Hazara rebellion (Sammon, 2008, p.30). To resolve this issue, a treaty was reluctantly signed by Abdur Rehman in 1893 called the Durand Agreement, a resolution fashioned by Sir Henry Durand, Foreign Secretary of the Government of British India, in order to counter the influence from across the border in Afghanistan (Sammon, 2008, p.28). This agreement provided for the division of the Pashtun tribes by a 2,450-km demarcation line named after Sir Mortimer Durand on either side of the border between Pakistan and Afghanistan (Baha, 1978, p.7).

Figure 3: Map Showing the Durand Line



Source: Mahmood (2005, p.19).

The Durand Line was in those days and still is a critical border issue between Pakistan and Afghanistan. On the one hand where it divides the Pashtun communities, the unsealed border also provides free passage for the likes of criminals who are intent on spreading violence, from one country to the other resulting in law and order issues. The Durand Line caused uproar among some tribesmen, especially the Mehsuds in Waziristan, who retaliated against it and saw it as a conspiracy to divide the Pashtun borderland (Baha, 1978, p.8).

The outcome of the Mehsud uprising, however, was a strategic remodelling of administrative governance in FATA, as it exposed the Punjab administration's inability to fully control the frontier tribal region (ibid.).[28] Khan (2010, p.59) notes that the colonial administrators in British India managed the potential threats emanating from the tribesmen that opposed British designs through various

[28] Caroe (1958, p.413) points out that in the centralized administration structure, power rested with the Secretary of State for India, under the guidance of the Governor-General of India. This governance structure was questioned by the new viceroy of India, Lord Curzon, in 1899. He found many administrative anomalies in the Punjab Government's ability to deal with expanded geographical coverage in which the north-west border area of British India (Present day KPK and FATA) was made part of the Punjab province in 1849 (ibid.).

mechanisms. The British government's emphasis on security and demarcations led to the adoption of a mixture of aggressive policies, and at times neutrality that later defined the right to rule. These included remodelling the pre-existing political settlement by setting up new formal administrative structures (Khan, 2010, p.59). He further argues that the colonial administration initiated a transition from a pre-capitalist political settlement through sharing power with informal sources (Khan, 2010). The administration 'sequentially absorbed' those tribesmen with a potential for violence, or those who controlled violence, as well as those with entrepreneurial abilities, by granting them access to a share of state-controlled rents (Khan, 2010, p.59). Political control in FATA was established through a decentralized form of governance with which the British authorities controlled the tribal population by using the services of *Maliks* (Baha, 1978, p.34) to manage violence in the area (Bruce, 1900, p.298). Issues like local language and access to hill tribes enabled the British authorities to develop a strategic coalition with those *Maliks* possessing power capabilities to counter resistance from hill tribes (Ahmad and Mohyuddin, 2013).

In 1901, a new decentralised structure known as Frontier Crimes Regulations (FCR)[29] was promulgated with some amendments to reflect the combination of British law and, more specifically, tribal law (Spain, 1963, p.145). The tribal law pertained to adhering to local customs and practises, and involved the tribal society in administrative issues (Caroe, 1958, p.353). According to these amendments, the magistrates could withdraw cases related to local customs (such as disputes about honour, women, and as a result of blood feuds) and submit them for arbitration by a *jirga* (tribal jury) under the supervision of *Maliks* (ibid.). Baha (1978) indicates that in the new structure political agents (bureaucrats) were appointed for each agency directly reporting to the governor of a new province created under the name of North-West Frontier Province (NWFP).[30] The governor then reported directly to the Viceroy of India (ibid.). Sammon (2008, p.33) suggests that the duties of political agents included the administrative and political management of the agencies and assisting *Maliks* in the local governance set-up.

The British administration granted *Maliks* 'official recognition', allowances, subsidies, and protection against 'criminal and fanatical' groups in Waziristan (ibid.). Due to the administration's strong control through (often British) civilian bureaucracy (Misra, 1977), the British had emerged as powerful patrons in granting protection to the *Maliks*. In return, the *Maliks* offered their services to maintain stability and

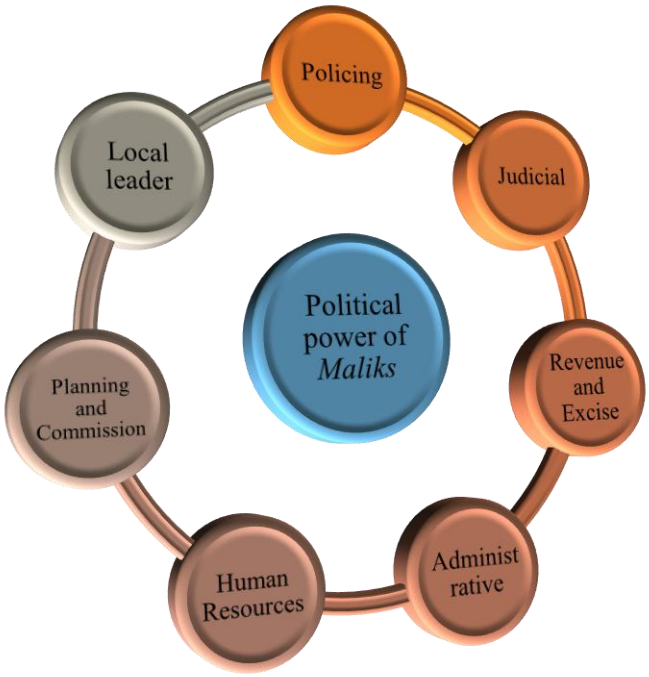
[29] Initially drafted in 1848 and then introduced in 1872 as the Punjab Frontier Crimes Regulation, revised in 1887.

[30] British disruption of tribal authority forced the British to redesign the governance structure of FATA. According to Shah (2012, p.5), the north-west border area of British India was released from the administrative control of Punjab. This region was named NWFP. Shah (2012, p.6) points out that further divisions were made in the newly created province. Some districts such as Peshawar, Kohat, Bannu, Dera Ismail Khan, and Hazara were aligned into 'settled' areas, separated from the political agencies of Khyber, Kurram, Malakand, North Waziristan and South Waziristan and termed 'tribal areas' (ibid.).

social order for the administration and managed the trade route along the borders (Malik, 2013, pp.104). Moreover, the *Maliks* were assigned a *kursi* (chair) and a *lungi* (local parlance for turban). Ahmad and Mohyuddin (2013, pp.242–3) clarifies the distinction between these two titles: *kursi* refers to the powers of *Maliks* to disburse six monthly financial allowances allotted for citizens (known as *moajib*) by the British administration. The distribution of *moajib* had symbolic significance of power and authority for *Maliks*. Ahmad and Mohyuddin (2013, p.242) explains that the processes of *moajib* distribution involved a *Malik* sitting on a chair while the common citizens sat on the ground. The process of *moajib* distribution was a matter of prestige and honour for *Maliks* (2013, p.243) as it enabled them to exercise power over individuals in the distribution processes. *Lungi* relates to the stipend granted by the British administration to the *Maliks* every six months. *Lungi* were granted in two different forms known as *stara lungi* (big stipend) and *wara lungi* (small stipend) (Ahmad and Mohyuddin, 2013, p.242). The big stipend was allotted for the *Malik* of a tribe, whereas the latter to the junior cadre of tribal *Maliks* (also known as *lungi*-holders) representing a sub tribe (ibid.). The allowances given to the *Maliks* were themselves minimal; rather it was the prestige, honour, and power attached to the position that generated interest from the local population (Shah, 2012, p.3).

Maliks had greater political power under the British administration. The source of political power was accumulated in a number of political functions exercised by the *Maliks*. *Maliks* performed multiple governance roles simultaneously, which included policing, judicial, clerical and development implementers, excise and revenue officers, human resources administrators, and lifetime leadership hereditary roles.

Figure 4: The Political Power of Maliks Under the FCR



I discuss them all below, as tabulated in Table 3.1:

Table 3.1: The Functions of the Governance Role of Maliks Under the FCR

Governance Role	**Functions**
Policing	Identifying and arresting local criminals, and handing them over to the British administration. This is often done by using local personal influence and with the administration's support. Controlling Illegal activities e.g. poppy cultivation or smuggling. Negotiating kidnapping cases. Arranging local mercenary forces to fight criminals.
Judicial	Managing *jirga*: Settling criminal and civil cases. Bail Bailiff
Clerical	Registration of documents: birth and death certificates. Citizenship
Revenue Officer	Disbursement of financial allowances to citizens. Witness for land purchasers.

Human Resource Administrator	Recruitment of *Khassadars*: Appointing mosque clerics
Planning and Commission Officers	Implementing development projects Distribution of contracts Permits
Local Leader	Lifetime. Permanent Hereditary transfers: Only male members, mostly the eldest son

Source: Ahmad and Mohyuddin (2013).

The main role of *Maliks* has been to bridge the state-society gap and manage political order, largely predicated on personal relationships and by using their influence in the FATA region. The performance of the *Maliks* was under consistent scrutiny 'guaranteeing an annual allowance contingent on good behaviour' (Caroe, 1958, p.349). Success for *Maliks* depended on their leadership abilities, while negotiating with the state and the people. Additionally, it required maintaining a balance in their governance role i.e. on an 'official' level to demonstrate loyalty to the British administration, and manage violence; while on the local level, to deal amicably with iniquities meted out to the people by the British administration. Access to political administration and incentives were denied and or discouraged – and this continues to be the case till date - for 'bad' performance.

In policing roles, the *Maliks* offered a diverse range of services. First, the *Maliks* were authorised to collect fines imposed by the British administration on local criminals (Ahmad and Mohyuddin, 2013, p.245). The *Maliks* used their local influence within families; with *Maliks* of sub-tribes, and intra-tribal connections between *Maliks* to arrest criminals. A collection of fines had personal incentives for the *Maliks* as a commission was allotted to them (ibid.). Second, the *Maliks* offered to control illegal activities in their respective agencies. In this respect, *Maliks* enjoyed the services of *Khassadars* as personal security. The *Khassadar*[31] was introduced by the British in 1921, as a local force selected (and this continues to be the case till date) from among the tribes and designated by *Maliks*. The local force worked under the *Maliks* (more specifically under the political administration), to carry out operations against smuggling and poppy cultivations (Ahmad and Mohyuddin, 2013, p.250). Third, another significant issue faced by the administration concerned dealing with kidnapping, particularly from other regions (Ahmad and Mohyuddin, 2013, p.250). Here, the political administration would approach *Maliks* of other regions, and the latter would use their local influence for the release of the individual (ibid.).

[31] Each tribe has a specific quota as per the tribal population. This process is known as *Nikkat*. The primary role of *Khassadars* is to secure the road and communications network (Government of Federally Administered Tribal Areas Pakistan, n.d.).

Lastly, a crucial part of *Maliks'* policing role was the arrangement of a local mercenary force known by *Lashkar*, already discussed in the introduction chapter in Imran's account.

In terms of their judicial role, the *Maliks* played a vital role in reconciliation and in the resolution of criminal and civil disputes through *jirga*.[32] Caroe (1958, p.355) indicates that the British administration institutionalised the informal justice systems and aligned them with formal judicial processes. Through a local court system, disputes between two parties (i.e. the accused and the aggrieved[33]) of a sensitive nature were dealt with by the *Maliks* (ibid.). If still unresolved, the case was then forwarded to the political administrator, who delivered unchallengeable judicial decisions, including collective punishment,[34] to a tribe for actions by individuals from that tribe (Khan, 2010, p.36). The British administration imposed a clause (Article 40) in the FCR, which outlined a sense of 'collective responsibility' over nominated *Maliks* and tribal elders to capture the family members of criminals who evade arrest (ibid.). In most cases, the *Maliks* mediated for the bail of citizens, acting as guarantor, for the release of citizens imprisoned for a crime committed by a family member. A criterion of bail was contingent upon the family making payments to the political administration through the *Maliks*, and the *Maliks* keeping a percentage share of the payments (Ahmad and Mohyuddin, 2013, p.249).

Wilcox (1967) indicates that the British administration often resorted to clientelistic practices to gain the support of tribal *Maliks*. According to Nella (2008, p.1), elements of corruption were widespread in the *Maliks*' governance roles, i.e. in terms of clerical and recruitment powers (for instance, with regard *Khassadar* forces and mosque clerics) and more specifically in the traditional dispute resolution system with decisions mostly influenced by strongmen. Political agents, aided by an assistant political agent, *tehsildar* (revenue administrative officer), *naib tehsildar* (assistant revenue administrative officer), and local law enforcement agents (e.g. *Khassadars*, levies, scouts) also enjoyed wide-ranging unchecked powers (Sajjad, 2013, p.82). These included sharing the responsibility of monitoring and evaluating the developmental funds with the *Maliks* (ibid.). The British provided tribal *Maliks* with access to, and control of, developmental funds, permits and contracts. This helped the tribal *Maliks* to emerge as an influential institution in the power structure of the region (Wilcox, 1967).

[32] This mode of judicial system was preferred by the people in FATA who saw, and continue to see, formal institutions as ineffective and therefore rely heavily on informal institutes. 'Defenders of *Jirga* refer to the severe backlog in the country's judicial systems' (Hussain 2012, p. 151). An example of what is seen as ineffective formal institutions is reflected in certain unambiguous laws such as the Hudood Ordinance of 1979, a bill that requires four witnesses of a woman who is raped. Failing to produce witnesses does not deliver justice and this has dire consequences for society (Johannes et al., 2007, p.54).

[33] The Maliks and elders are nominated both by the accused and the aggrieved and decisions as per FCR are taken by them and are accepted by the people. These decisions cannot be challenged in state courts and are presented to the political administrator for record keeping (Khan, 2010).

[34] Because of 'collective punishment', FCR is nowadays regarded as black law (ibid.) or as Draconian Law (Wazir, 2011, p.59).

3.4 The Creation of Pakistan in 1947 and Governance in FATA

Pakistan obtained independence from British India in 1947 despite numerous challenges. The core issues for Pakistan during independence were its volatile geo-strategic location, ethnic diversity and border disputes with India and Afghanistan. According to Spain (1963, p.193), its boundaries were geographically dispersed and established hastily. Treaties signed by the British administration were abrogated for FATA and together with other provincial states it was given a choice to accede to either India or the newly-created Pakistan (Spain, 1963, pp.202–3). Muslim provinces in the north-west of India, i.e. Punjab, Sindh, Baluchistan and NWFP decided to accede to Pakistan. Meanwhile, East Bengal (now Bangladesh separated from Pakistan in 1971) also exercised its right to join Pakistan.

In order to understand the nature of political settlement in FATA in the post-colonial period, six key factors determining the balance of power arrangements designed by the ruling elites need to be considered. These are:

1. The geopolitical circumstances
2. Negotiating abilities of *Maliks*
3. The external framing of ideologies: Critical rupture moments
4. The political settlement in crisis: Contested political spaces and a new alternative set of political actors
5. The War on Terror: The rupture of the *Malik* institution
6. Political Parties Act, 2013: Renegotiating political spaces

Each of these factors will be discussed below.

3.4.1 The Geopolitical Dimension: Pakistan's Existential Threat

Pakistan's inheritance of FATA as a successor state brought little change in the legal structure of governance in the region. The laws governing FATA remained the same as those imposed by the British administration through FCR that glued the state and society together to enable a stable social order. The state maintained the institution of *Maliks* so to gain their support, and as a way to appreciate their role in maintaining stability and order, that the country desperately needed. To understand this, the core reasons lie in the insecurity of the state and ethnic violence, which the country has continually experienced since its creation. In addition, the interests of global, regional, and local forces created complex challenges for the central government (Sammon, 2008, p.38), some of which I discuss below.

In respect of global politics, Pakistan was entangled in the Cold War rivalry between the US and the Soviet Union after the Second World War (Shaikh, Shaikh and Price, 2012, p.8). With substantial political and economic differences, the Soviet Union (with a socialist agenda) and the US (with a

capitalist agenda) engaged in indirect psychological and proxy warfare to attain global influence. Since its inception, Pakistan has been enmeshed in such geopolitics leading to the state's insecurity. Its decisions were limited since it was left inadequately equipped to administer the activities of the nation (Spain, 1963, pp.267–70). The US and the Soviet Union needed strategic partners and Pakistan decided to turn to the former. This was due to considerations of the security threat from India, and that India had become a strategic partner of Soviet Union (Shaikh, Shaikh and Price, 2012, p.8). Pakistan remained strategically aligned with the US and until the 1970s both the civilian regime and military rulers in Pakistan had adopted capitalist policies.

At the regional level, Pakistan faced border disputes with India (on Kashmir) and Afghanistan (on the Pashtun borderland region). Even today, the state of Pakistan faces extreme resistance, bordering on an existential threat, and to sustain itself it depends on the support of international actors and heavy military investments. Military spending entails inevitable opportunity costs in terms of expenditure on health, education, and general welfare. On the north-western border of Pakistan, the Afghan stance on the Durand Line agreement with the British administration as 'signed under duress', caused serious problems for Pakistan (Latif, 2012, p.209). With a change in the political administration from Britain to Pakistan, Afghanistan claimed that the agreement ceased to exist, and that it was therefore the rightful inheritor of the FATA region. In such a situation, the ruling elite at the time chose to become an ally of the US and Britain to resolve its regional problems (ibid.). Pakistan made a strong case in gaining the support of key allies to stake a claim in the FATA region. In 1950, Mr. Noel-Baker, Secretary of State for Commonwealth Relations, said:

> ... His Majesty's Government view that Pakistan is in international law the inheritor of the rights and duties of the old government of India and of his Majesty's Government in the United Kingdom in these territories and that the Durand line is the international Frontier, (cited in Lambah, 2011, p.16).

In light of the aforementioned challenges, these discussions show that the state's policies have been reactionary, and that one way of analysing the political compromises made by the state, and the continuation of the British mode of political settlement in FATA is best done through arguments around its geopolitical environment. This section discussed the state's perspective and challenges; while the following section discusses the perspective of *Maliks* surrounding the political environment, and in asserting their significance in governance.

3.4.2 The Significance of Maliks: Negotiating Loyalty

During the political challenges to the state of Pakistan, the *Maliks* in FATA utilised their position and emerged as strong political figures both at the local and the national level. Sensing the challenges to

the Pakistani government, the *Maliks* lobbied to maintain their former status and increased their pressure on the Pakistani establishment. Post independence, the *Maliks* pledged their loyalty and allegiance to the Pakistani state, on the condition that no intervention be made in the region's local governance arrangements (Shah, 2012, p.8). During my fieldwork, the accounts given to me by my respondents indicated that transitionary moments amongst *Maliks* appeared after the creation of Pakistan in 1947. Some respondents clarified that the *Maliks* during the British rule became known as British *Maliks* (some are still remembered by this title), and that these *Maliks* considered themselves custodians of 'tribal traditions' at the time, i.e. political voice of local rights, while some even resisted FATA's annexation to Pakistan. The Pakistani state set the criterion for a 'good *Malik*' as subjugated to the state authority, and as having an overall allegiance towards the state's designs. Parallel labelling such as 'Pakistani *Malik*' for those loyal to the administration also emerged during this time. The Pakistani *Maliks* were considered as 'bad *Maliks*' or 'opportunists' by the British *Maliks* due to their lack of ideological stance and as having been driven by greed and largely concerned with their own interests. The establishment in Pakistan thus sidelined those British *Maliks* who had worked against the state's interests.

The position of Pakistan to maintain the pre-existing administrative and political structure in FATA under Muhammad Ali Jinnah, the founder and first Governor General of Pakistan, was further influenced by the key role of loyal *Maliks* in protecting parts of Kashmir against Indian aggression. Raja (2014) informs us that the tribal people from FATA demonstrated loyalty to the state on numerous occasions. Highlighting the role of FATA tribesmen as an informal military force, Raja (2014) explains how the tribesmen came to the rescue of Pakistan against the Indian aggression in 1948 in the Kashmir region. The state of Pakistan faced extreme challenges in protecting parts of Kashmir as the British commander-in-chief at the time General Grace refused to deploy troops in Kashmir at the request of Jinnah (ibid.). Raja (2014) indicates that the tribes organised by *Maliks* from the FATA region formed *lashkars* (militiamen) and captured Muzzafarabad, and other areas in Kashmir up to and including Baramula.

Demonstrations of loyalty by *Maliks* strengthened their holding power over local governance. In a *jirga* organised at Peshawar in April 1948, Jinnah assured the *Maliks* that the tribal area would enjoy the same status as that before partition. Jinnah also expressed his wish that the people of the region should be 'powerful, self-reliant and self-sufficient' and pledged to help them improve their educational, social, and economic position (Shah, 2012, p.8). Furthermore, Jinnah also promised that:

> your allowances and Khassadari, that you have had in the past and are receiving, should continue. Neither my Government nor I have any desire to modify the existing arrangements except in consultation with you so long as you remain loyal and faithful to Pakistan (Cited by Shah, 2012, p.8).[35]

Subsequently, *Maliks* put forward additional demands. These included the withdrawal of the army from the region, to be kept under direct administration of the central government, and that a new Ministry of States and Frontier Regions be established under the direct supervision of Muhammad Ali Jinnah (Spain, 1963, pp.204–5). Jinnah gave the order to withdraw government armed forces from the tribal areas and also established the Ministry of States and Frontier Regions (SAFFRON) to supervise the area under the administration of the Governor of NWFP (Beattie, 2002).

In 1948, Ahmad (2008, p.76) notes that Jinnah signed instruments of accession granting the tribal areas semi-autonomous status. FATA remained outside Pakistan's parliamentary processes and Pakistani courts had no jurisdiction in FATA; the tribes themselves managed judicial and security issues. Some of the other semi-autonomous conditions included a lack of urban amenities and that tribesmen paid no taxes (ibid.).

Ahmad (2008, p.76) further describes the semi-autonomous structure of FATA, indicating that the President of Pakistan had overriding powers to issue orders relating to governance and peace in the tribal areas. In a pyramid-shaped structure, the President as Chief Executive of FATA was at the top of the hierarchy, followed by the Governor who was by appointed by the President as administrator of the FATA region. The Governor was also entrusted with the administration of the North-West Frontier Province, NWFP (now Khyber Pakhtunkhwa) Province. At the agency level, political agents – bureaucrats appointed through the civil service – had political, administrative, financial, and judicial powers. The political agent was the head of the agency, supervising development projects and overseeing line departments such as *tehsildar* and *naib tehsildar* and directly reporting to the Governor. In respect to law and order arrangements, local law enforcement agents included *Khassadars*, Levies,[36] Frontier Corps,[37] and Frontier Constabulary[38] (ibid.).

After the death of Muhammad Ali Jinnah in 1948, the status of tribal areas was left unchanged in the Constitution of 1956 (Khan, 2010, p.71). Shah (2012, p.8) argues that due to the firm support of *Maliks*, the Pakistani establishment was reluctant to change the status quo relating to their role in governance.

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[35] Muhammad Ali Jinnah's address to the Tribal *Jirga* at Government House, Peshawar on 17 April 1948, Speeches and Statements, p.239 (as cited by Shah, 2012, p.8).

[36] Levies have a similar role to that of *Khassadars* but they fall under the control of the federal government and are appointed by political agents (ibid.).

[37] Frontier Corp is a paramilitary force with few officers from regular army units. It acts under the Ministry of Interior whose prime responsibility is to maintain control and prevent raids in the agencies (Government of Federally Administered Tribal Areas Pakistan, n.d.).

[38] A local police force administered by state police officers. It also comes under the administrative control of the Ministry of Interior (ibid.).

Shah (2012) further explains that Pashtun nationalist parties were propagating a socialist agenda at that time, supported by Afghan leaders[39] and the Soviet Union (ibid.). The designs of Pashtun nationalist parties (to establish an independent Pashtunistan, separate from Pakistan) gained momentum and brought Pakistan into conflict with Afghanistan (Sammon, 2008). In order to counteract the popularity of the Pashtun nationalist parties, FATA was excluded from the Political Parties Act of 1962. According to Shah (2012, p.8), this policy of exclusion was pursued by the Pakistani establishment in order to maintain social control of the *Maliks*.

Khan (2010, p.71) explains that in the 1956 Constitution of Pakistan, no changes were made to the political and administrative status of FATA. However, in the 1962 Constitution, under Article 223, special powers were given to the Governor of NWFP to make, repeal or amend any regulations. The Pakistani establishment continued the existing mode of political settlement in FATA, and under Article 247 of the 1973 Constitution of Pakistan the state maintained control of existing administrative systems (Khan, 2010, p.71). In the 1973 Constitution, under Article 247, the law empowered the President of Pakistan with administrative control. The Governor of NWFP had a duty to report to the President and exercise executive authorities in FATA (ibid.). Additionally, Article 247 of the 1973 Constitution empowered the *Maliks* to settle local judicial matters through *Jirga* (Wazir and Khan, 2014, p.28).

3.4.2.1 The Political Power of Maliks: Expanded Dimensions

In addition to the aforementioned concessions, the government of Pakistan further strengthened the political power of *Maliks* in the subsequent years. The state in Pakistan during the military rule of Ayub Khan (1958–69) rewarded the *Maliks*' loyalty with guns, radio sets, increase in allowances, and sizeable tracts of land in the Sindh province and Punjab (Ahmad and Mohyuddin, 2013, p.243).[40] In the course of history, the ruling elite in Pakistan have essentially been engaged in patronage politics (Kaplan, 2013, p.1). Khan (2010, p.60) indicates that once the state manages power distribution that engages the participation of both formal and informal organisations, a variant of clientelist political settlement will emerge. Thus, the nature of political settlement under authoritarian regimes and democratically-elected governments in Pakistan can both be essentially termed 'clientelistic' in Pakistan. This is because the military regimes, or civilian governments, have maintained stability in Pakistan by limiting the access of ordinary citizens to state resources. Both the military regime and civilian government have been regarded by Kaplan as mere platforms that grant small elites access to

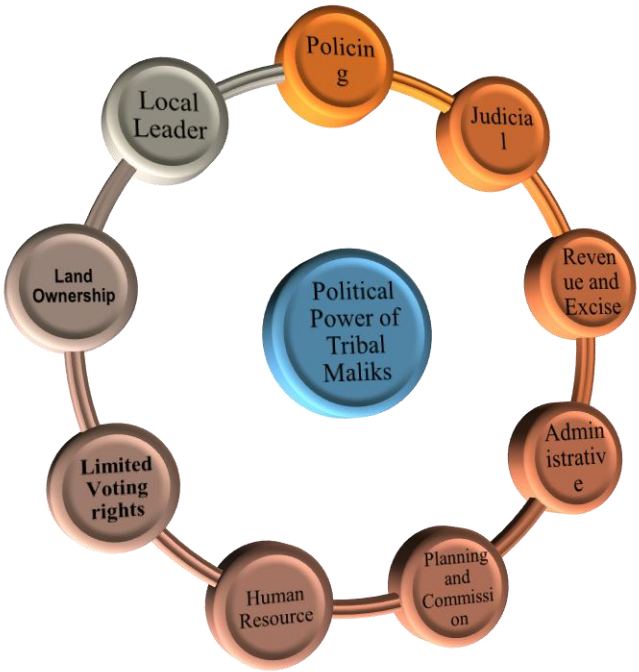
[39] Afghan leaders Shah Mahmood (1946–53) and Sardar Muhammad Daud (1953–63) publicly supported Pashtun nationalists in Pakistan and the Pashtunistan cause.

[40] Most of the *Maliks* sold the land to the locals (Ahmad and Mohyuddin, 2013, p.243).

state benefits (Kaplan, 2013, p.1). In FATA too, the *Maliks* were used as a key part of the management of violence, with the state creating opportunities of rents for the *Maliks*.

Over time, further concessions were granted to the *Maliks* in order to manage violence in the area (see Figure 5 below for the overall holding power of *Maliks*). According to Khan (2010, p.71) no political, legislative or electoral reforms were introduced in FATA but there was still limited franchise exercised in the region. Unlike the rest of Pakistan where National Assembly members were elected through universal suffrage, the members in FATA were elected by *Maliks*. The practical implementation of voting rights was continually delayed as successive governments tried to gain the support of *Maliks* (Ul Haq, Khan and Ulhasan, 2005, p.44). An electoral college of around 35,500 *Maliks* registered with political administrators of their respective agencies in FATA voted to elect eight representatives[41] to the National Assembly[42] (Rahmanullah, 2012, p.63). This new mode of political settlement facilitated benefits for *Maliks* as through the voting powers granted to the *Maliks*, it opened up avenues for rent seeking (Rahmanullah, 2012, p.64).

Figure 5: Increased Political Power of Maliks



[41] Rahmanullah (2012, p.63) explains that votes ranged from 2000 to 4000 unevenly distributed in seven agencies and four frontier regions.

[42] As it can be seen in the official election commission of Pakistan website (http://ecp.gov.pk/GE.aspx), the members from FATA were elected to the National assembly (during the limited franchise rule) in the general elections of 1970, 1977, 1985, 1988, 1990, 1992, and 1994.

3.5 The External Framing of Ideologies: Critical Rupture Moments in Leadership, Political Space and Adaptability

This section analyses macro-political changes and their impact on micro-level politics and leadership in FATA. It analyses: (a) how these political changes triggered an environment of uncertainty, leading to internal fragmentation within *Maliks*; and (b) how then the *Maliks* negotiate the evolving geopolitical environment to create political spaces of power and authority. The objective is to show the critical rupture moments in the leadership of FATA that begins to weaken the powerful *Malik* institution. I will first outline the geopolitical environment of the 1970s in and around Pakistan.

At the macro-political level, the politics of Pakistan in the 1970s depicted an extension of the 'Great Game' with two superpowers (US and USSR) in pursuit of domination. In the 1970s and 1980s, the Soviet Union dominated by exerting its influence in Central Asia, Afghanistan, and the Pashtun region in Pakistan. The hegemonic ambitions of both powers, combined with the creation of local political (and non-political) institutions shifted the pendulum of power from one source to another – i.e. the US supported a capitalist mode of governance whereas the Soviet Union supported socialism in Pakistan (Ali, 2012, p.2). During the 1970s Zulfikar Ali Bhutto supported the socialist discourses in order to gain power. Under the leadership of Zulfikar Ali Bhutto (Prime Minister, 14 August 1973–5 July 1977) the state introduced socialist economic reforms (Khan, 2012). This represented a divergence from earlier capitalist policies, opposed by Zulfikar Ali Bhutto, for widening income inequality. Bhutto's focus was on poverty reduction and an equal distribution of power among the people. To achieve this, Bhutto initiated aggressive development programmes together with proposals of extending the adult franchise into FATA. Bhutto's administration understood that economic development could be used as an instrument to integrate the people of FATA with Pakistan. Here, Idrees and Ur-Rehman believe the development discourse for FATA was about extending the British policy of 'isolation and nationalistic policy of incorporation and integration' (2013, p.121). Wazir and Khan (2014, p.29) note that only during the socialist regime of the Bhutto government in the 1970s was any serious effort made to boost the socio-economic development of the region. This included development in education and road infrastructure. In addition, tribal people were able to obtain passports to travel abroad and gain employment (ibid.).

Bhutto also introduced land reform policies that included limits on the amount of land that could be owned, and the provision of increased economic support for landless tenants (Herring, 1980; Raza 2008, pp.18–19). The land reforms meant challenging the power of landlords and their status quo at the time. Initially, Bhutto attempted to confront the dominance and exploitations of *Maliks*. Raza (2008) quotes Bhutto as follows:

> Gone are the days of the *Maliks* and the selected tribal *Jirgas* of wealthy and influential Khans. Things have changed now. (Raza, 2008, p.45)

Despite the efforts made by Zulfikar Ali Bhutto that targeted the curtailing of powers of *Maliks* and landlords through socialist policies, the *Maliki* system could not be abolished and *Maliks* continued to play a significant role in governance (Raza, 2008, pp.39–46). The geopolitical environment in Pakistan played a crucial part in limiting the state's effort of introducing political and social changes. In understanding these geopolitical factors, Shah (2012, p.9) informs us through a historical construction of significant political events during the late 1970s and 1980s, that the challenges to Pakistan were centred on regime changes supported by the US and the Soviet Union in Iran, Afghanistan, and Pakistan and the Russian invasion of Afghanistan in 1979, which made FATA the battleground of a proxy war between the two superpowers (ibid.).[43]

The external political changes also had an impact on politics and leadership in the FATA region. These changes created a political space for *Maliks* to adapt in response to the environment. The existing literature refers to *Maliks* operating within a political settlement, but it fails to take into account the adaptive abilities of *Maliks* surrounding the political change. During my fieldwork, my respondents updated me that some 'British *Maliks'* (whose *Maliki* was either discontinued or made dormant) began to take advantage of the new political environment. The intense competition for power at the local level coerced some British *Maliks* to become closer to the Pakistani government; whereas others saw the growing influences of Soviet-influenced nationalism in the FATA region and Afghanistan as apt political gateways to advocate Pashtun unity across the border. These *Maliks* faced state neglect[44] due to their anti-Pakistan and pro-Afghan narrative. My respondents clarified that the Pakistani state's neglect forced some British *Maliks* to develop cordial relationships with the Afghan and Soviet governments. My respondents further informed me that these groups later came to be locally known as 'socialist *Maliks'* or 'nationalist *Maliks'*[45] for playing a political role in uniting the Pashtuns on both sides of the Durand Line in Pakistan and Afghanistan. While Pakistani *Maliks* considered fortifying the state, the nationalists

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[43] 1. The Soviet Union helped the Marxist Khalq faction (predominately Pashtuns) of the People's Democratic Party of Afghanistan (PDPA) to overthrow Muhammad Daud Khan (head of the secular National Revolutionary Party) in April 1978 (Billiard Jnr., 2010, p.27).

2. In February 1979, the Western-backed government in Iran, led by Shah Reza Pahlavi, was toppled by an anti-American Islamic revolution (ibid.).

3. Bhutto was replaced in July 1977 by the pro-Islamic military dictatorship of General Zia-ul-Haq, and hanged in April 1979.

4. In Afghanistan, the Islamic clergy mobilised the population against the socialist government for promoting an un-Islamic system (Billiard Jnr., 2010, p.29).

[44] One of my respondents, whose grandfather was a 'British *Malik'*, considered the state neglect as a discursive manoeuvre by the Pakistani state aimed at the gradual decline in authority of his grandfather.

[45] In my research, I came across five 'Nationalist' *Maliks* and tribal elders, but the numbers could be higher in Khyber Agency or throughout FATA.

supported the Pashtun cause, and considered the unification of Pashtuns as a traditional right belonging to the citizens of FATA.

The next section discusses how the political changes described in this section evolved into regional violence, in the form of the Afghan War, which further weakened the institution of *Maliks*. The next section also describes the radical changes in leadership of FATA, with a particular focus on the emergence of alternative political actors. During the 1980s, the US's Central Intelligence Agency (CIA) intensified its relationship with Pakistan's Inter-Services Intelligence (ISI) and launched Operation *Cyclone*[46] against the Soviet Union. In FATA and Afghanistan, Islamic discourse was used (jihad) and alliances were built with alternative set of actors - the mujahedeen, which were trained and armed with sophisticated military equipment by the US[47] (Rashid, 2000; Billiard Jnr., 2010; Wazir and Khan, 2014, p.30). In the process, the Durand Line became ineffective as millions of armed Afghan refugees migrated to Pakistan, specifically to the Pashtun area (Ul Haq, Khan and Ulhasan, 2005). The FATA region became heavily armed and the local administration, which already exercised only nominal control over the tribal population, was rendered totally ineffective. As such, the entire functions of the state, 'the administration and local services, including water, pastures, forestry, and land, were geared towards serving the objectives of jihad' (Ul Haq, Khan and Ulhasan, 2005, p.42).

3.6 The Political Settlement in Crisis: Contested political space and new alternative actors

During the Afghan War a crisis in the pre-existing political settlement emerged due to increased political instability that was beyond the control of formal state institutions. Khan (2010, p.59) explains that during a political settlement in crisis, particularly in those regions experiencing widespread violence - where violence is not being managed, there is a high potential for a new political order to emerge. The formal institutions are unable to sustain the pre-existing power arrangements, and thus require the state to consider sharing power with other informal organisations. Khan (2010, p.59) further points out, that in these circumstances the state and local actors can both employ a variety of military and organisational capabilities to stake a claim over a new distribution of power. In the case of FATA, the Afghan War broke the existing political settlement as global and national elites increased their engagement with an alternative source of power, i.e. the mujahedeen – an informal militia force recruited and trained by the CIA and ISI to fight the Soviet Union. Islamic discourse was used to mobilise the population against

[46] Operation *Cyclone* lasted for ten years starting from 1979, ending with the withdrawal of Soviet troops from Afghanistan (Billiard Jnr., 2010).

[47] Initially, the funding was US $20–30 million in 1980, increasing to US $630 million a year in 1987. At the time, it was the longest and most expensive CIA operation (Coll, 2004).

Soviet advances in Afghanistan. The assemblage of the militia force was a reactionary decision taken by General Zia-ul-Haq in the face of Cold War pressures, resulting in the state's dependence on those advocating violence, particularly those advancing an Islamic ideology, who later over the years gained control through violence in the FATA region.

After the Cold War ended with the defeat and disintegration of the USSR, the region of FATA and Afghanistan were ignored by the outside world in terms of development (Rooney, 2010, p. 40). Khan (2014, p.135) blames the state's neglect as a key reason for problems of governance in the present times of the FATA region. During the military regime of General Zia-ul-Haq in the 1980s, following Bhutto's removal, there was, as Wazir and Khan (2014, p.30) note, considerable neglect of the major developmental projects initiated in FATA. Wazir and Khan (2014, p.30) also believe that the lack of reforms marginalised the majority of the FATA population. This not only kept FATA in isolation, but increased the influence of militancy and extremism in the region. Wazir and Khan understand that state neglect in FATA made it easier for militants to mobilise the masses against the government and challenge its authority (ibid.). Another study by Abbas (2009) puts forward similar views in relation to the influence exerted by power groups and its effect on governance in FATA. According to Abbas (2009, p.4), due to various wars power shifted from traditional institutions into the hands of religious militant group operating from FATA known as Tehrik-i-Taliban Pakistan, and also other smaller militant groups. He suggests that such groups operate in different regions of FATA and challenge the authority of the state by exerting influence in governance matters.

Maliks had lost the ability to control the region; the configuration of power had shifted in favour of religious clerics and militants (Mehsud and Ali, 2012). In the 1990s, Pakistan was under weak and corrupt democratic governance. FATA was still under the governance of Pakistan but within the area the influence of Islamic clerics grew over that of *Maliks*. Kerr (2010, p.7) notes that since 'traditional forms of authority and governance have been substantially eroded' and have not been properly adjusted over time, this allowed non-state power groups to gain strength by exploiting loopholes in the system. According to Khan (2011, p.38) the Afghan War left behind far-reaching changes in society such as Islamic radicalism, drugs and weapons, a fragmented political system, a large refugee population, and new power structures (such as warlords and clergy). This created a further vacuum in governance, filled by the Taliban and Osama bin Laden's Al-Qaeda (ibid.). In 1997, the Taliban assumed power in Afghanistan thus changing the traditional mode of governance to Islamic (Khan, 2010, p.38). The mullahs succeeded in winning the hearts and minds of the local poverty-stricken population and replaced the institution of *jirga* with *shura* – an assembly made up of militants and clergy

who decide judicial cases according to their own interpretation of the Islamic sharia law (Mehsud and Ali, 2012).

3.7 Reconfiguring the Hybrid Political Settlement: Violence, Political Reforms and Elite Perception

In the democratically-elected government of the Pakistan People's Party (PPP) in 1996, the ruling political party had initiated programmes intended to improve governance in the region. As a peacebuilding measure, attempts were made to implement Western-inspired political reforms designed to tackle the growing influence of militancy in the region. For this purpose, a new strategy was developed by the PPP's President of Pakistan, Mr. Farooq Leghari, to tackle radicalisation by introducing universal adult franchise to the region, while maintaining FCR. It was considered imperative to reshuffle the balance of social power to confront the militants. These political changes were instrumental in respect to governance in the area, empowering the voices of the common people in the mainstream political discourse of Pakistan. The aim was to empower local people through voting rights (Sajjad, 2013). Members were elected through this system to the National Assembly in the general elections of 1997, 2002, and 2008 without any party representation or manifesto. The shift from a limited franchise which gave overriding powers to *Maliks* to elect a member to the national parliament towards a universal adult franchise meant that the *Maliks* lost their power to elect their favoured politicians (Rahmanullah, 2012, p.65).

The extension of political reforms in FATA followed a history of disagreement between ruling elites over the nature of political settlement in the FATA region. The lack of ruling elite consensus in Pakistan is crucial to our understanding of the ways in which the PPA in FATA has evolved over time. In the 70 years of Pakistan's history since independence, from 1947 until the present, military rulers governed Pakistan for almost half of that period, while during the other half the military has had a significant influence in civilian rule (Kaplan, 2013, p.2). The Pakistani military-bureaucratic nexus traditionally prefers the existing FCR system (Shah, 2012), whereas during PPP's rule in 1996 and in 2007, the leadership played a significant role in introducing political reforms in FATA.

The civil-military relationship in Pakistan is crucial to our understanding of the ways in which politics take shape in Pakistan. During my fieldwork I interviewed a variety of people ranging from those in academia, civil society, the bureaucracy, and politics to understand their narratives concerning the state's interest in the FATA region over time. Some of my respondents have used varying terms to identify the civil military relationship, such as the 'militarisation of democracy in Pakistan', 'militarised kind of democratic policies' or the 'infiltration of military in the democratic domain' to show how much

influence the military asserts in the policy domain. The role of the military is seen as negative in its use of FATA's land and human resources. A few of my respondents told me (under the condition of anonymity and in unrecorded conversation) that the Pakistani establishment, i.e. both military and civil, want to keep FATA (a mountainous terrain, not overly receptive to agricultural production, with few water resources) as a buffer zone and for two reasons. First, all material and human resources are hidden under its cover, i.e. Taliban, Al Qaeda, and ammunition etc. The second reason is related to Pakistan's policy on Afghanistan. FATA has remained a convenient space for Pakistan to intervene in Afghan issues. The state wants to suppress the issue of the Durand Line through a radical religious injection on Pashtun identity.[48] Conversely, from my interview discussions it seems that the Pakistan Army had little choice but to take control of the region when the civil institutions become ineffective. Ghani (2011) suggests that post–9/11, the geopolitical importance of FATA and the spillover of militancy from Afghanistan forced the introduction of the Pakistani military into the FATA region. The army started dealing with militants directly, sidelining the political administration and the *Maliks*. Thus, the intrusion of the armed forces in the civilian domain is attributed to the failure of ruling political parties. Unanimously, my respondents blame the state's or political parties' neglect in the provision of basic, constitutional and legal rights to FATA.

3.8 The War on Terror: The Rupture of the *Malik* Institution

The War on Terror spread to the FATA region in 2002, which led to a block in the implementation of political reforms,[49] as security reservations were expressed by intelligence agencies in Pakistan. In 2002, through amendments to the country's Political Parties Act, 1962 (amended as the Political Parties Order 2002), FATA was excluded from the extension of the Political Parties Act, 1962. The War on Terror had a significant impact on General Musharraf's inability or willingness to extend PPA; and as such his regime had to make compromises in order to fully implement PPA.

The US and NATO's declaration of war on the Taliban[50] brought significant changes in Pakistan's policy towards Afghanistan (Butt, 2011). This was the biggest test for nuclear-armed Pakistan (a key US and

[48] In this thesis, I do not intend to provide value judgements on the nature of power within FATA. In fact I keep a balanced view of elites in power considering the nature of opportunities and challenges presented to them.

[49] In the subsequent years, *Malik* authority was further marginalised under the military rule of General Musharraf's regime (1999–2007), when the establishment made efforts to tackle the political settlement in crisis by reintroducing a modified version of FCR. The regime had intended to improve political structures by the introduction of the LGR. These required local people to run for election as councillors (Ali, Chaudhry and Wazir, 2014, p.7).

[50] The Taliban was blamed for providing a safe haven to Al-Qaeda operatives.

NATO ally) under the military dictatorship of General Musharraf (Zeb, 2012). Shaikh, Shaikh and Price (2012, p.13) describe the difficult situation of Pakistan during the War on Terror. First, Pakistan took an embarrassing U-turn with regard to its Afghan policy. Initially, Pakistan had supported the Taliban regime in Afghanistan since Afghan Taliban support was vital for Pakistan's national interests. Second, the role of Pakistan was perceived with suspicion. This reflected a trust deficit between Pakistan and its US and NATO allies as Pakistan, who may well have had to deal with multiple competing interests, was accused of playing a 'double game', signifying public support for NATO forces while covertly backing the Afghan Taliban (2012, p.35).

Pakistan's decision to deploy troops in FATA further aggravated the situation. The army launched its first military operation in the tribal areas on 27 June 2002 and as a result involved itself directly in the War on Terror. Shuja Nawaz (2009) claims:

> The Pakistan Army is seen as an alien force inside FATA. The Frontier Corp has lost its efficacy over the years. Both the army and the FC are ill-equipped and ill-trained for counterinsurgency (COIN) warfare. Compounding their difficulty is the fact that they are operating inside their own borders against their own people. (Nawaz, 2009, p.11)

After the US invasion, most Afghan Taliban and Al-Qaeda fighters escaped into the tribal areas of Pakistan. The power exerted by militants intensified during the War on Terror effectively pushing the political settlement into crisis. In a study by Mehsud and Ali (2012, p.14) on governance issues that examines the effects of the War on Terror on society, the authors explain the ruptures in social structures created as a result of the War on Terror. The study indicates that the militants who emerged became powerful local actors. Their dominance can be gauged from the fact that the authority of the government is openly challenged, with militants having killed around 1,500 *Maliks*, thus weakening the traditional mode of governance (ibid.).

Mehsud and Ali (2012, p.5) reveal that in pursuit of local dominance, these groups and networks resort to deadly violence in the form of insurgency, suicide attacks, bomb explosions, and target killings, etc. This study indicates the significant human and material loss:

> Pakistan material losses in the on-going war on terror have gone over $70 billion, besides losing almost 40,000 people with five thousand police and army men. Over 1000 schools have been blown up depriving hundreds of thousands of children from attending schools …. Kidnapping, torturing, killing, and slaughtering, are common phenomenon. (Mehsud and Ali, 2012, p.19)

Amid the worsening conditions of law and order surrounding the vast influence exerted by militants, the ruling elites engaged in negotiations with militants to try to bring stability and law and order. In one of

the battles that took place in the Kalushna region in March 2004, Nawaz (2009) pinpoints, that it made clear the growing military force of militants, and captures the shift in power as follows:

> The (battle) … changed the dynamics, forcing the army to sign peace deals with the empowered militants. … the army was ambushed by the militant forces … and suffered heavy casualties. Suddenly the army realized that it was dealing with a major force. Three deals were later signed between the army and the militants .... As a result the tribal elders were sidelined and the political agent was made redundant by the army. (Nawaz, 2009, p.25)

Raja (2014) links the worsened law and order to the policies of the Musharraf regime, which were influenced by US pressure. Highlighting the significance of *Maliks* as able agents of peace, Raja understands that Musharraf's policies were in conflict with the country's national interests, as the ruling elite outside FATA had historically relied on the loyalty of *Maliks*. He explains that the Musharraf regime sidelined *Maliks* in policy matters and that their exclusion caused a trust deficit between the state and tribal elders. Raja also points out that Musharraf broke the 1948 agreement made with elders in FATA by inducting the Pakistan Army into the FATA region (ibid.).

In the following years, the Musharraf regime initiated policies to accommodate the bureaucracy in power sharing by restructuring formal institutions. In order to strengthen the effectiveness of the formal administrative structure, the Musharraf regime brought all the line departments under one umbrella – i.e. a separate governor's secretariat was formed, later (2006) named the FATA Secretariat (Wazir, 2009). According to Rahmanullah (2012, p.50) the sole purpose of this institution was to give powers to the bureaucrats to monitor the boost in development projects in FATA. Historically, the *Maliks* had the greater role over unaudited funds, but developmental funds were now audited (to a certain extent) and *Maliks'* authority over these funds was thus marginalized and restricted to a few areas (ibid.). Furthermore, General Musharraf's increased the number of FATA seats in the national parliament from eight to 12, elected on an adult franchise basis, maintaining the non-political party elections and thus keeping FATA parliamentarians working under the presidential administration system. The power rested with bureaucrats as per the 1973 Constitution (under Article 247), which restricted FATA parliamentarians from providing any input into law-making for the region (Rahmanullah, 2012, p.65).

3.9 Political Parties Act 2013: Analysing the 'New' Political Environment: Renegotiating Political Space

In 2007, when Pakistan Peoples Party Parliamentarians (PPPP) assumed power the process of political reforms was initiated by Shaheed Bhutto Foundation (SBF)[51] in conjunction with National Democratic Institute. The purpose of this section is to provide a background context to the processes of PPA implementation, with specific reference to the participation of *Maliks* who had historically been opposed to these reforms. Considering the War on Terror had ruptured the political authority of *Maliks*, this section broadly showcases the significance of the renegotiating abilities of *Maliks* in creating political spaces of power and authority within PPA. Moreover, this section highlights the emergence of a new class of actors – the new political players, and civil society involved in FATA's decision-making and political processes.

When I arrived in Pakistan for fieldwork, my first task was to meet key officials in the SBF, and NDI who were dealing directly with the process of reforms. In 2014, after the initial round of interviews, and from my informal interactions with respondents I was provided with a project report that was prepared by SBF known as 'mainstreaming FATA'. Mainstreaming FATA is a brief summary report which provides information about the key recommendations from consultation workshops held in Peshawar. The objective was to generate debate on Article 247.[52] The report mentions that the implementation process of PPA was based on consultations with multiple stakeholders. In the first stage, SBF arranged consultation workshops with stakeholders from FATA. The three core themes around which these workshops were organised were: (a) Defining FATA; (b) Democratising FATA; and (c) Developing FATA (SBF, 2009 p.6). A key focus of 'Democratising FATA' included (that later collectively became the Presidential Reform Package in 2011): (a) Extension of PPA; (b) FATA's representation in the Khyber Pakhtunkhwa provincial assembly; (c) Local Governance Regulation based on adult franchise, 'endowed with legislative powers and financial authority' (SBF, 2009, p.7); (d) Women and minority representation in Governance; (e) Reduction in the judicial powers of political administrator; (f) Bureaucrats in FATA Secretariat be made accountable to the elected councils (SBF, 2009, p.7).

In these workshops SBF identified and invited 280 FATA residents including leaders of political parties, lawyers, academics, youth, journalists, intellectuals, high level government officials, i.e. current and

[51] SBF is an NGO formed in the name of former PPP Prime Minister of Pakistan, Benazir Bhutto, who was assassinated during a political gathering.

[52] The document enlists excerpts from key speakers and participants separately for each workshop. The project report further shows that SBF divided F.A.T.A participants into three regions naming it Northern FATA, Central FATA, and Southern FATA and arranged one each workshop. Northern FATA included Mohmand, Bajaur and Khyber agencies. The central FATA comprised FR Peshawar, FR Kohat, Orakzai, and Kurram. The Southern FATA including Waziristan, and the remaining FRs, Lakki and Bannu. The Agency focal persons of SBF had invited the local representatives of each agency in consultation workshops.

former military and civil officials, parliamentarians, and *Maliks* from FATA (SBF, 2009, p.9). These workshops generated a lot of interest from students, academia, women and *ulema* alike (religious clerics). Also, SBF and NDI arranged a series of round-table discussions to persuade the representatives of political parties for political reforms in the FATA region (ND1, 2011). On 12 August 2011, the chairman of the ruling PPPP, President Asif Zardari, in the presence of FATA parliamentarians, signed an extension of the PPA (appropriate regulations were to be framed later) to the tribal areas; amendments were also made to the notorious FCR. Political parties were allowed to start campaigning and to nominate candidates for national election. In addition, the tribesmen were given the right to appeal against decisions by the political administrator. Women, children, and men aged over 65 were excluded from the collective punishment clauses of FCR (*Dawn*, 2011).

At this point, I refer back to Imran's account in the Introduction highlighting the processes with which the military restored and restructured political order in some areas of FATA. A key part of Imran's account was a particular focus on the makeup of local governance (including a space for *Maliks*); a consensus over the PPA agenda, and the challenges of implementing local governance. During my fieldwork, my respondents relate the delay in local governance to the fact that the military in Pakistan is reluctant to extend the LGR, as in light of prevailing law and order circumstances in FATA, a change in local structures will likely have drastic consequences for achieving peace in the region. Moreover, additional reforms are proposed for FATA, such as demands by a majority of political parties to merge FATA with KPK Province, some political parties suggesting FATA be given a separate provincial status, and one or two political parties particularly the Nationalist Pakhtunkhwa Milli Awami Party (PkMAP) and religious party Jamaat-*Ulema*-e-Islam JUI (Fazl-ur-Rehman) persisting with the traditional political system. Amongst these proposals the debate over FATA's merger with KPK Province has gained much prominence. These debates emerged out of recommendations as suggested by the Pakistan government[53] in the "Report of the Committee on FATA Reforms".

The commission was tasked by the ruling elite to propose a good governance structure in FATA (Qureshi, 2015). The report based its analysis from the committee's first-hand consultations with all relevant stakeholders of seven agencies in FATA that included *Maliks*, elders, representatives of political parties, and members of civil society (FATA Commission, 2016, p.1). By linking the democratisation of FATA (through a five-year transition period plan)[54] as a key condition for improved

[53] A six-member Committee on FATA Reforms was appointed by the former PML (N) Governor of KPK, Sardar Mehtab, on the direction of the then Prime Minister, Nawaz Sharif, in November 2015 (Butt, 2015). The committee included senior PML (N) politicians and senior bureaucrats.

[54] Incremental changes towards democratising FATA. To achieve uniformity in political and administrative structures with the rest of Pakistan, the committee proposed a transition time that allows the citizens of FATA in getting used to the political party systems. The commission understands that with time, the citizens of FATA will embrace a democratised FATA (FATA Commission, 2016, p.37).

governance[55], the key recommendations in the report identified the merger of FATA with KPK Province, and elected representatives from FATA be allowed to contest elections for the KPK provincial assembly. In addition, the committee proposed a political-party-based elected local body council[56] (FATA Commission, 2016, pp.35–6). The local governance regulation (LGR) is planned to be promulgated in the 2018 general elections. LGR 2012[57] is a complex regulatory system designed to decentralise governance, and which authorises the state to establish local level empowerment, transparency, accountability and good governance at the municipal level (Ali, Chaudhry and Wazir, 2014, p.7).

These proposals mark a significant shift in the political structures of FATA, and more specifically they aim to break the holding power of *Maliks*. The empirical chapters of this thesis analyse the ways in which these political reforms begin to transform the nature of political settlement in the FATA region, as I situate the impact of PPA on local leadership in FATA, in particular the significance of *Maliks*, and other political figures within PPA.

3.10 Conclusion

The objective of this chapter was to locate the varied importance of the governance role of *Maliks* during different political settlements. *Maliks* enjoyed special status in the British administration and in the continuation of FCR by Pakistani governments. Although *Maliks* are embedded in memory as strong figures of local leadership, this chapter has shown these figures of authority and their holding of power to have fluctuated due to external pressures and internal pressures. And as the chapter has shown, other forms and alliances of leadership have emerged and gone. This thesis now moves on to institutional context, which is PPA, and describes empirically how this has triggered new forms of power and leadership in the region.

The existing literature on FATA reveals that the ruling elites implanted their ideologies to penetrate the region's administration and society. The external framing of ideologies within the cultural and political dynamics of FATA enabled hybrid structures that have caused problems of governance until today. The

[55] Justifying the need for a democratised FATA, the report indicates that reforms will lower the workload of Pakistan Army, and it will allow the military to focus on its eastern borders. In the present circumstances – without reforms – the Army's withdrawal from FATA can allow the terrorists to reposition, and reverse the significant gains made by the state in establishing its writ (Firdous, 2016; FATA Commission, 2016, p.32).

[56] In addition to legal reforms, a socio-economic plan, rehabilitation and reconstruction plan, capacity building of law enforcement agencies, and land settlement framework for FATA (see FATA Commission, 2016, p. 32-37).

[57] Initially, the extension of local government regulations (LGR, 2002) were not made part of the act in 2011.

creation of institutions by various global powers has often been met with resistance. The literature and scholarship reflect that Western attempts to transform the region have given rise to alternative power groups that operated to resist opposing interests. The alternative was powerful actors who emerged to compete for political authority, hence forcing a change in the nature of political settlement. In the process it caused ruptures within society that led to problems of governance.

North, Wallis and Weingast (2009) and Khan (2010) note that in such times of volatility, elite consensus is difficult and that there is a potential for violence to erupt. This chapter has shown that the FATA region remains volatile and politically unsettled. The discussions in the chapter have focused on different pressure in the area, where I mixed the impact of macro political changes with micro level actors, and have shown that the ruling elite lacked the capabilities to enable the FATA region to make a transition towards political stability. The various policies of a number of ruling elites were concerned with the protection of interests in the settled region of their empire. As such, most policies within FATA were related to the maintenance of the status quo in the FATA region. Moreover, this chapter discussed the intricacies of geopolitical challenges to the state of Pakistan following independence in 1947 and its persistence with the British mode of political settlement. FATA enjoyed a special constitutional semi-autonomous governance structure different from the rest of the country. Pakistan made reforms (of little impact) to FCR but for geostrategic reasons these could not be extended until in 2011 the Political Parties Order was applied in FATA.

The empirical chapters of this research that follow deal with the everyday 'politics' of local actors as strategies in response to the extension of Political Parties Act. During my fieldwork in the Khyber agency of FATA, I encountered several challenges to capturing the realities of governance at the ground level, including dealing with multiple actors operating in a conflict region. In the next chapter, I discuss all these challenges, which include some divergence from established research techniques and the ways in which a researcher can adopt different strategies in conflict settings to gain access to empirical data.

Chapter Four: Methodology

4.1 Introduction

In this chapter I discuss my research methodology, techniques, data analysis, and ethical and security challenges associated with my field research. I narrate my experiences of dealing with the challenges I faced in my research fieldwork in FATA and the settled region of Pakistan. In FATA, political uncertainty, the nature of violence, and uncertainty over my role as a researcher in a region not accustomed to 'outsiders' in terms of academic research (or even to mainstream media penetration), posed serious difficulties for my research process. I acknowledge that in dealing with the fragmented nature of my research fieldwork, my intention to gain an in-depth understanding of events required taking control of the processes to ensure progress in my field research. I positioned myself within the local complexities to act as a 'navigator'. The navigation processes included keeping abreast of political developments, using my extensive network of support, taking precautionary security measures, and sensing the political and cultural perceptions of my respondents in FATA. In addition it demanded: (a) adopting a non-judgmental narrative; (b) sympathising with respondents grievances; (c) political correctness in use of speech; (d) asserting the significance of the research to their lives.

This thesis intends to provide an emic understanding of political reforms from the perspective of local elites whose lives are intertwined with conflict. The methodology for this thesis builds upon an extended period of political ethnographic research, which consisted mostly of observations, formal and informal interviews, and key discussions. It explores the understanding, experiences, and readjustment manoeuvres of local elites in response to political reforms in the FATA region. More so, the conflict in FATA is intertwined in a complex configuration and layers of actors (new political elites, bureaucracy, *Maliks*, and militants) seeking governable spaces in order to access political legitimacy. Given that the researcher's motives may not be known from the beginning and could cause distrust and suspicion, it is crucial to develop trust and a rapport with respondents. As such, I lay out in different sections of this chapter, the idea of 'navigating' and 'negotiating' concerning potential issues arising in conflict settings.

4.2 Why Ethnography?

Chapters 1 and 2 have highlighted the importance of local elites in local governance by paying close attention to their political power, and on the manner in which they negotiate around political settlements. Building on the analytical themes presented in Chapter 1 and 2, my thesis provides an emic account of political settlements, by focussing on the role of local elites. In this section I first explain

the decision in adopting ethnographic techniques in this research, and then identify the key advantages of using this methodology for capturing a more grounded account of the objective of this research, i.e. analysing the dynamics of political reforms, local elites and power.

Wacquant defines ethnography as:

> a social research based on the close-up, on-the-ground observations of people and institutions in real time and space, in which the investigator embeds herself near (or within) the phenomenon so as to detect how and why agents on the scene act, think and feel the way they do. (Wacquant, 2003b, p.5)

Ethnography is used by social scientists and anthropologists alike and lays emphasis on symbolic interactionism, hermeneutics and phenomenological dimensions (Hammersley and Atkinson, 1995). It draws heavily on interactions, primarily concerned with the investigation of power relationships as embedded within social relations (Long, 2004, p.29). My use of ethnography here concerns iterative processes, involving the examination of the types of relationships local elites develop and then use to attain varied interests. In addition, the local elite's articulation of interests vis-à-vis social interaction helps the researcher to capture the ways in which the local actors respond to external policies imposed on them (Long and Long, 1992b) or, as Devine (1999, p.112) explains (by using Long's framework, 1989a), how the local actors 'structure or reshape new emergent interface' in the context of the external policies applied.

There were two reasons why I chose to apply ethnographic methods for data collection. The first is that an overview of the existing studies on FATA (such as McMahon, 2009; Mehsud and Ali, 2012; Rashid, 2012; Sajjad, 2013; Wazir and Khan, 2014) demonstrates a relatively one-sided focus on assumptions and normative discourse associated with governance. The existing literature broadly considers the reality as having a particular good governance structure that exists elsewhere, that functions effectively and therefore needs to be explored and replaced to settle the FATA region. The observations in this literature are restricted to 'ahistoric' explanations of matters related to state ineffectiveness, political systems, law and order, ruptures in traditional authority, militancy, dysfunctional bureaucracy and corruption as causes of bad governance in the region (ibid.). At the same time, these debates lack empirical focus and thus pay little attention to exploring questions of power, daily local politics, and the interests of the informal actors in local governance – or as Auyero, Joseph and Mahler (2007, p.2) put it 'the pace of political action, the texture of political life, and the plight of political actors' remain unexamined.

The second reason for choosing to adopt ethnographic methods is guided by my own personal experience. Before starting my PhD at the University of Bath, I was working as a development

consultant in Pakistan. There at work, I had observed the unequivocal undertakings of positivist techniques, such as quantitative surveys, questionnaires, discussions with stakeholders, and other statistical data as the preferred mode of data collection and analysis. Understandably, this was largely due to cost management factors, time limitations, and the overall perception that positivist techniques are best suited to capturing observable events, producing tangible results, and hence can reveals on-the-ground 'facts'. In such environments, I often noticed sharp inconsistencies between the research results (projects cited as successful) and what would be presented to me when I would 'informally' speak to my respondents. As such, I noticed that people often associate contrasting meanings, experiences, and narratives with development projects. Issues like power relations, marginalisation, and informal and discursive practices emerged that are often ignored in positivist research. I realised that an over-reliance on such methods of data collection and analysis involving one-off encounters with respondents often produce inaccurate assumptions, an oversimplification of the project's impact, and can overlook the complexity of everyday life around development projects.

Therefore, understanding political reforms and settlements from a simple causal relationship model may not be sufficient. As Herbert (2000) noticed, individuals in traditional societies often express the meanings, or their true intentions via practices and actions. Hence, understanding political reforms and settlements demands exploring certain nuances which can be studied in their natural state, focused on agency, the ways in which they socially construct meanings, their interface and interactions, and the researcher's interface with the life world of local actors, thus spending a considerable amount of time with them and listening to them, with the intention to understand the world from their perspective (Hammersley and Atkinson, 1995). This study, therefore, departs from merely looking at political reforms and local leadership from an 'object-generalized' and 'positivist' perspective, and instead explores the subjectivities and agencies behind such sharing of power relations.

It may well be helpful to emphasis here that the construction of PPA in FATA has varied meanings for diverse local actors. This is largely because the meanings derived from the change in institutional structures are seen to be associated with different types of interests and economic and power struggles. These struggles are fluid in nature, and are neither static nor a repetition of previous observed actions, since local actors adopt different strategies for different occasions to counter potential threats. The reality, thus, is interlocked in-between the hidden motives, values, emotions and intentions of local actors. The attitudes of local actors as such are neither observable nor measureable since they do not disclose their real intentions (Long, 2004). Ethnography is meant to tackle the meanings that inform people's lives through the researcher's active participation in their lives, and to

understand an individual's motives and actions, which are continuously reconstructed based on multiple interpretations (Hammersley and Atkinson, 1995).

Instead of examining the structural significance of governance in FATA, I focus on the actual functioning of local actors in their daily governance roles. By knitting the inter-relatedness of political reforms and local elites, I build on arguments presented by Giddens in his theory of structuration expounded in *Central Problems in Social Theory* (1979), which considers structure and agency as 'mutually constitutive elements' (Devine, 1999, p.111). The relationship between structure and agency is best understood as a dialectical process rather than deterministic or voluntaristic (ibid.). Giddens (1979) considers human agency as agents capable of asserting a degree of influence to enable penetration within the imposed structures. How then political reforms and settlement are constructed ought to be found in the interplay between local elites and their use of wider networks which thus requires an examination of ongoing and negotiated interactions (Giddens, 1979), together with the production and reproduction of power. The local elites sources of power are either rooted in history (Bourdieu, 1977) – or in new alternative means. In this thesis I will apply a qualitative and ethnographic approach, in order to understand the multiple forms of meanings and the contradictions regarding local elites, as well as pay attention to history, language, their reflexive practices and interests, and issues related to authority and power, vis-à-vis the formally imposed structure of governance.

This thesis therefore adopts an ethnographic approach to data collection and analysis in attempting to explore the discursive practices of the local actors surrounding political reforms in a non-judgemental manner. The empirical focus of this thesis is to provide a detailed examination of how local elites make sense of political reforms, and how they experience and renegotiate their legitimacy surrounding the extension of political reforms in FATA. The overarching objective is to explore the impact of PPA in reshaping the social and political leadership, especially around *Maliks*. The research questions that I attempt to answer with the help of ethnographic data are:

1. What have been the main political impacts of the PPA in the FATA region?
2. How has the introduction of the PPA influenced the configuration of elite leadership in the FATA region?
3. What does the extension of the PPA in the FATA region tell us about the prospects for wider governance reform in the FATA region?

The focus of this thesis builds on earlier work done in 'political ethnography' (Barth, 1959; Devine, 1999; Auyero, 2000; Berenschot, 2011; Scott, 1985; Gay, 1994; Litcherman, 1998; Eliasoph, 1998; Kerkvliet, 2005; Ashforth, 2005; Biaochhi, 2005; Auyero, Joseph and Mahler, 2007, p.2). In recent

times, the use of political ethnography has been fused into other disciplines namely political science, sociology, anthropology (Baiocchi and Connor, 2008) and economics and international development. However, in peace and conflict studies and settlements, political ethnography remains under examined. Here, this study is concerned with the examination of the everyday political life of local elites, i.e. the behaviour, actions and strategies of political actors, and the processes political actors use to achieve their desired goals (Auyero, Joseph and Mahler, 2007, p.2). This thesis develops a conceptual framework from the aforementioned perspectives, together with the adoption of ethnographic methods to examine the impact of political reforms on the lives of local actors, and how local actors impact political reforms in return?

4.3 A Multi-Sited Ethnography: Negotiating the problematic nature of conflict

There are seven agencies in FATA, namely South Waziristan, North Waziristan, Mohmand, Orakzai, Khyber, Bajaur and Kurram. My research site was Khyber Agency in the FATA region.

Figure 6: Map of Research Site: the Khyber Agency in FATA

Source: Google Maps

The Khyber Agency comprises three administrative units, which are namely Jamrud, Bara, and Landi Kotal. The estimated population of the agency is over 0.5 million (Samdani, 2011). There are no statistical records to indicate the number of those who have migrated from the Khyber Agency due to the ongoing military operations. Through informal discussions with local people and interviews with respondents, it seems that more than half the population has either shifted to internally-displaced camps in Nowshera District in KPK province, or have migrated to bigger cities in Pakistan such as Karachi, Islamabad, Peshawar or abroad. Khyber Agency contains four main tribes: Afridi, Shinwari,

Shilman, and Mollagoris, all of whom are ethnic Pashtun (ibid.). These tribes have varied economic backgrounds, while the vast majority of them are middle-scale traders.

I chose Jamrud (*Tehsil*) in Khyber Agency as my research site for two reasons. The first is that I have an extensive network of contacts in the Jamrud area (as discussed in section 4.4). The second is that my research could not be conducted in Landi Kotal and Bara for security and logistical issues. There is an ongoing military operation in Tirah Valley, the sub-district of Bara that is widely considered as a safe haven for militants. Also, my contacts in Landi Kotal had migrated to other parts of Pakistan due to security reasons.

It is important to judge the intensity of the political tension before choosing a suitable research site. In Khyber Agency, for instance, the armed forces and non-state actors are directly engaged in acts of violence and warfare. In addition, it is prudent to distinguish between active actors, engaged in resistance at either the collective or individual level that can be classified as violent or non-violent forms. Mazurana, Jacobson and Gale (2013, p.3) pinpoints four categories of groups that share the domestic settings with people in conflict regions. The first are armed forces i.e. state forces, NATO, and the United Nations, etc. The second are non-state militias backed by the state. The third are non-state armed militia resisting against the state, e.g. insurgents, terrorists etc. And finally, the fourth are development aid practitioners, and the observers of conflict, i.e. journalists and researchers. Apart from the latter, all the aforementioned actors are actively engaged in the Khyber Agency. Thus, it requires assessing the current political situation on a continual basis and subsequently readjusting research methods and strategies accordingly. My focus was to conduct an ethnographic inquiry into the life worlds of *Maliks* to better understand their perspectives on governance.

In the first round of my fieldwork, I conducted interviews in the Jamrud region. However, on 16 December 2014 the militants attacked the Army Public School in Peshawar, killing around 130 schoolchildren, including those serving Pakistan Army personnel. This attack brought the country to a halt. The preliminary investigations carried out by intelligence agencies that were reported in electronic media and published in newspapers informed us that the perpetrators of the school attacks operated from Bara Agency. Citizens and the government both demanded stern military action. The Pakistani state responded by conducting an all-out offensive against the militant hideout in the Bara region. Although, the research site was some distance from the school, the situation required that I analyse the impact of military action on my research site. Bara in the Khyber Agency is considered a safe haven for militants and therefore I had to adopt a different strategy that comprised of three stages:

At first, I temporarily stopped my fieldwork in the Khyber Agency. I kept abreast of the political developments through electronic and print media, gaining updates on the nature of military operations in the Khyber Agency. During this time I remained in contact with my supervisor to inform him about the potential threats to my research study. While my research site was not directly affected by the military operation, I was informed by some of my respondents, and also by key bureaucratic officials linked to the FATA administration, that there was potential danger in conducting research at the time, during which I chose to remain in a safer location in Nowshera District of Khyber Pakhtunkhwa Province situated a one-and-a-half-hour drive from the research site.

Figure 7: Map of Nowshera District, KPK, Pakistan

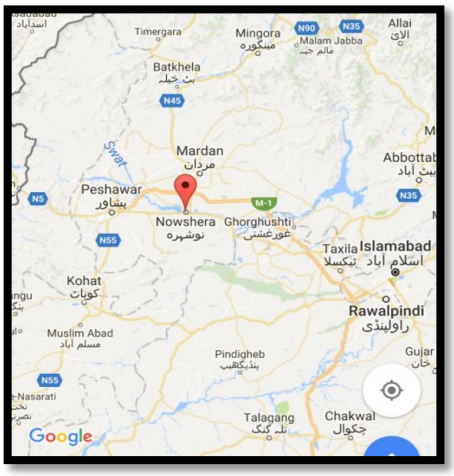
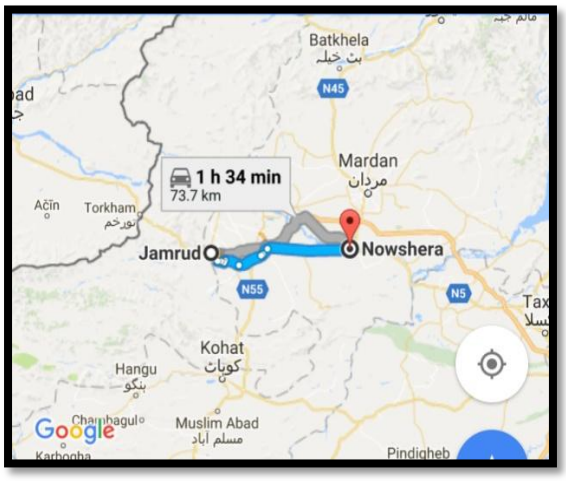


Figure 8: Distance Between Research Sites



Source: Google Maps

The third stage concerns the selection of a different research site. My new research site became Gul Dheri Village, District Nowshera in Khyber Pakhtunkhwa Province which was more secure. The selection of Gul Dheri was motivated by four factors. The first is related to pragmatic constraints i.e. due

to the threats of terrorism, I was forced to choose a new site, where in actual fact, the social organisation in KPK province is similar to that in FATA, i.e. the majority of inhabitants are Pashtun having a similar culture, religion and language, and sharing an identical structure of informal organisations. The second is related to the feasibility of transferring the ideas explored in the initial research site to the new one. Marcus (1995, p.111) notes that when considering a change in research site, a researcher needs to calibrate the key themes that emerged in the original research site to the new one. When I was talking to the local political actors in FATA, they made references to the institutional framework of the settled region as a way that things are now moving in the FATA region. Therefore it gave me an interesting case to look at a place where the party-political system has been established in a similar context, but for a much longer period.

The third reason is that while I was away from the research site in Khyber Agency, I utilized the time to analyse some of the interviews that I had already conducted. Some of the key themes that emerged were related to the *Maliks* giving significance to their role in informal dispute resolution mechanism. Therefore, I spent time trying to understand the formal court mechanism of the settled region. Some lawyers that I spoke with indicated that the majority of the cases heard in the courts are related to land issues. For this reason I paid regular visits to the land revenue office in Nowshera. On one of my visits to the office, I noticed that the provincial government had initiated a dam project in Gul Dheri village. Thus I took a keen interest to observe the operations of daily land settlement issues. The fourth reason is that during my fieldwork there had been proposals put forward by the state to merge FATA with KPK province. What these proposals effectively mean is that the local governance system would be extended to the FATA region. The desire then became even stronger to examine the political settlement in KPK which is at a much broader, evolved and mature stage than in FATA, and to try and have further comparative reflection on the nature of the evolving political settlement in the FATA region.

The village of Gul Dheri is situated on the right of the Kabul River in District Nowshera, KPK at latitude 33° 56' 7.3" (33.9354°) north, longitude 72° 5' 1.9" (72.0839°) east, and is about five kilometres from Akora Khattak, a small city located on the Grand Truck Road. Gul Dheri is exclusively inhabited by Pashtuns of the Khattak tribe with a population of roughly 1,000 citizens. The majority of the residents in the village earn their income through agricultural activities. The village is surrounded by low hills and most of its 1525 acres of land is not cultivated. The socio-political dynamics are shaped by kinship ties. The vast majority of its residents have a political affiliation with political candidates rather than with an ideological party-political manifesto. The majority of the village community has historically been loyal to Pervez Khattak, the sitting Chief Minister of Khyber Pakhtunkhwa Province. In the 2013 general elections, the Chief Minister, running in the provincial assembly elections on behalf of the Pakistan

Tehreek-e-Insaf party, secured the most number of votes. In the previous general elections, Pervaiz Khattak ran on behalf of Pakistan's People's Party Sherpao and emerged victorious. However, in the recent local elections of 2015, the candidate supported by Pervez Khattak for village councillor and district chairman lost the village elections. Another candidate from the religious party Jamaat-e Islami emerged victorious. The main reason for the loss was attributed to mismanagement in the dam construction project. In Chapter 7, I discuss in detail the mismanaged distribution of resources by the leading political party and the repercussions on the overall vote bank in the village.

When a researcher changes their research site, to effectively conduct ethnographic research, the researcher is required to be active, apolitical, and prepared to renegotiate their identity (Marcus, 1995, p.113). The next sections of this chapter discuss how I negotiated my personal self, being an outsider to FATA, and an insider in KPK.

4.4 Navigating Access: Gatekeepers

Given that this research is multi-sited, I had to immerse myself in two contrasting fields. This section discusses the first part of the immersion, i.e. gaining access to respondents. In section 4.7, I will discuss my positionality and reflexivity in an attempt to show how I involved myself in the daily lives of local elites. Before embarking on my research fieldwork, my fieldwork risk assessment form was intensely scrutinized by the university since FATA region was advised against travel by the UK Foreign Office. In the risk assessment form, I indicated that I will put to use my extensive network of contacts for my personal security and to gain access to respondents. In terms of using my contacts, I made a plan on how to approach my respondents, and divided into four parts. The first part concerned approaching my respondents in order to better understand the processes of constructing political reforms in FATA. This included conducting interviews with people from civil society, politicians, bureaucrats, and academics. In the second stage, I wanted to understand how the *Maliks* make sense of the political reforms in FATA. The third part concerned reaching out to the new political elites who emerged due to the political reforms in FATA. Finally, I added a new set of respondents from Nowshera district in the KPK province to the original plan. This included land revenue staff, local politicians, and political brokers. Prior to the aforementioned terrorist attacks, many of my semi-structured interviews had already been conducted in Khyber Agency.

In Jamrud, FATA, I was an outsider, whereas in Nowshera, KPK, I was an insider. In FATA, I relied on high level contacts to gain access to respondents. In Nowshera, I had more informal local level contacts, and thus there I used less high-level contacts. In KPK, I made extensive use of family

contacts, personal contacts, and friends, some of whom have privileged backgrounds to gain access to respondents. Access to village elites was also navigated by using family and friends. My daily visits to the land revenue department, and spending time in the office was also a useful way of interacting with village-level local elites, developing trust through informal conversations, and by unearthing common friends and family members.

A key advantage in terms of gaining access for me came through a close friend, my neighbour in Nowshera, whose father is a member of the National Assembly from Nowshera. In Pakistan citizens expect members of parliament to extend development needs, in addition to law-making. These members of parliament attend to the people of their constituency in their homes, or special areas allocated for male guests known locally as *Hujra*. During the time I was away from fieldwork in FATA, I would often visit my friend, and observed people from the constituency visiting on a routine basis. These observations were extremely useful to better understand the everyday problems of governance, citizens' needs, their interactions, and the ways in which the local elites coordinated with official departments to facilitate the people of their constituency. More so, these observations were useful in developing contacts with citizens and officials of multiple departments. Initially I was wary of approaching state officials through my friend; however, with time, I realised that it is a common practise, and in fact an advantage to be connected.

In terms of gaining access to my respondents in the FATA region I faced a number of problems. Given that I am originally from KPK, where the majority of inhabitants (including myself) speak the Pashtu language, and share the same culture as in FATA (which is a separate administrative region), this positioned me both as an insider and an outsider. A disadvantage was that I was perceived as suspicious as an 'outsider'; a researcher from a Western university in the United Kingdom. The implication of studying in a Western university on my respondents could have been disastrous to my personal security and research. I presume my respondents would evade interactions, discussions, and socialising with me or even perhaps issues of kidnapping cannot be ruled out in such circumstances, especially considering the terrible experiences of Giulio Regeni – a Cambridge University student in Egypt.[58] In section 4.10, I discuss in detail how I overcame my respondents' suspicion, by explaining to them that since I was employed by a university in Pakistan, a Western university had no part in funding my research. Another potential issue as an outsider was that I belonged to a different geographical region. Thus the most important issue at the beginning of my fieldwork was to gain access to respondents in the safest environment possible.

[58] Giulio Regeni was kidnapped and later killed in Egypt, during his PhD fieldwork.

I had advantages in several aspects such as language similarities, my familiarity with local customs and traditions, including how to avoid risky situations, and access to *Maliks* through personal contacts. I was privileged to have extensive familial and other local, administrative and political support networks in Pakistan. These contacts had been developed through my family contacts with *Maliks*, bureaucracy, politicians, and academia, or through my work-related experiences at the UNDP FATA Early Recovery Project. The key issue here for me was to navigate through my network of contact to reach out to all my respondents.

I initially approached the first set of respondents particularly members of civil society in order to better understand the significance of the Political Parties Act. I had no direct access to the SBF, the architect of the Political Parties Act. The SBF is an Islamabad-based NGO that was primarily formed by the PPPP to further the democratic ideals of its ex-leader the late Benazir Bhutto. Navigating access thus required contacting an influential PPPP party representative. Rather than adopting a bottom-up approach, i.e. either to contact SBF, or through another NGO, I focused on approaching SBF from upper circles. This was necessary since the volatile nature of the political environment in Pakistan has created a sense of distrust amongst different segments of society.

A crucial part of ethnographic research is accessing research sites and respondents through gatekeepers. For this purpose, I approached a family friend, a neighbour in my hometown, a PPPP representative and a former Minister of Narcotics to establish direct contact with the NGO and politicians. The purpose of adopting this technique was to develop trust and to derive valid data. It is difficult for officials working in an NGO (belonging to the same political party) to turn down a request made by someone influential within that political party. It also meant that I was given sufficient time to discuss the nature of processes that shaped the political reforms in FATA. As planned, it proved to be a successful strategy since I developed relationships with concerned respondents. I was further invited to workshops and seminars by SBF that gave me a chance to meet other members of civil society and politicians. In those interactions, I was introduced to both categories of my respondents. Similarly, I adopted the same 'indirect' technique to navigate through my network of contacts in the bureaucracy to reach out to the political administration in FATA. However, I directly approached my respondents from academia and for respondents in the settled region of KPK via familial and personal connections.

In conflict settings such as FATA, I understand that effective data collection requires the extensive use of negotiated access to respondents via gatekeepers. Here, my aim was to first identify a gatekeeper, and then using the snowballing technique to approach respondents. Cohen and Arieli (2011) give significance to the snowball sampling method (SSM) as an effective technique in less than optimal regions. The authors understand that in a conflict environment, SSM can be used to 'locate, access,

and enlist the cooperation of the research population' and that the notion of distrust and suspicion can be removed 'through a trusted social network' (2011, p.423). However, the problem I faced with snowballing (as proposed by Cohen and Arieli, 2011) concerned the question of trust; in my selection of gatekeepers and the respondents' trust in the gatekeepers. Immediate questions came to my mind about the nature and quality of gatekeepers who would be useful in conflict settings (Harrington, 2003). In a conflict setting, the selection of gatekeepers needs to be carefully managed, as issues like trust, residential status, the image/reputation, local connections and influence of the gatekeepers are all considered when trying to gain access to respondents.

I am fortunate to have extensive familial contacts in Jamrud through my father's business links in the region. This enabled me to select from a wide range of family links, and in particular I chose a few gatekeepers who had greater connections in the upper and lower sections of society in Jamrud region. Acting as gatekeepers, I convinced them to commute with me to respondents' houses and to introduce me to them. Being a family friend, it was easier for me to develop personal friendships with gatekeepers, and by spending a considerable amount of time with them, discussing a range of topic, some not related to the research topic, it helped to establish an understanding of local cultural norms and observations in the field; to understand the complexities of the nature of conflict that included the identification of factions and the local elites' ideological backgrounds. While I did not solely rely on such information, it was a good entry point in gaining an understanding about the profile of local elites in Khyber Agency.

4.5 Techniques for data collection

In adopting an ethnographic approach as a research methodology, I have used a variety of research techniques to conduct an inquiry into the lives of local elites in FATA to capture their understanding of political reforms. This includes participant observations, semi-structured interviews, informal discussions, and small case events.

4.5.1 Observations

Ethnographic methods allowed me to interact with local elites, and to observe how the local elites interact with people. A crucial part of ethnographic research is participant observations, through which I collected the majority of my data. Observations of these interactions on the ground helped unravel a body of knowledge useful to understanding political settlements. I used participant observations not only to observe the cultures in FATA and KPK, but also to gain an in-depth insight about the political functions of local elites, their actions, interpretations, aspirations, motivations, and the

processes by means of which the local elites negotiated and operated around political reforms (Jones, 1996, p.450).

Throughout my fieldwork I constantly observed events so as to develop an understanding of the everyday politics, and the strategies used by local elites in Jamrud *Tehsil* and Nowshera District.

I used participant observation for several reasons. First, I was keen to interact with a number of individuals in both formal and informal ways, while at the same time observing the overall field setting; people entering the offices, the ways they interacted with officials and citizens, and so on. More so, I took note of all the participations and observations in the field (Ervin, 2000). I was explicitly aware of the events taking place in the settings; raising awareness of the delicacies of the interactions, observing them from a distance, as they sometimes unfolded in front of me (Spardley, 1980). At times, the *Maliks* would ask if I would like to observe the *Jirga* which took place in the political administration office. I spent months in research setting, visited the site frequently from early morning and left around 4 pm, and this gave me a number of opportunities to observe important events. I used the observations to collect a wide range of data, observing things like the effect of *Maliks* and brokers visiting the office, and how they changed the overall dynamics, i.e. with regard to people approaching them, officials becoming alert, their interactions with people, and processes of facilitating common people. Moreover, observations in informal ways allowed me to take note of how people generally reacted to events (Alasuutari, 1998) with regard to the likes of access to state resources, favouritism, nepotism, alliances of local elites, and protests in daily routine life. There were some events or discussions which I thought were less significant, these emerged as crucial data sources later during the data analysis. The analysis processes were ongoing and continuous, during and after my fieldwork. As such, I took note of similar observations like loud noises, disputes and complaints, which were common to office settings (Robson, 2002).

In the early part of my fieldwork, I attended numerous workshops conducted in Islamabad, Peshawar and even political gatherings organised in public places or small gatherings in private houses. The workshops in Islamabad included high dignitary officials from the donor community, FATA students, members of civil society, members of the Senate, and representatives of various political parties. These workshops were purposively organised to give national traction to reforms in the FATA region. In these workshops I observed the narrative of people belonging to diverse schools of thought. I took note of all the speeches made by participants. A purpose of one of these workshops was to provide a networking opportunity for the participants. I made use of these spaces and spent my time observing the nature of the discussions. I participated in workshops in Peshawar University organised by the Department of Journalism and International Relations. The prime focus of these workshops attended by students from

FATA was to address certain laws in FATA, and reforms to be made to Article 40 of the FCR. Broadly, these workshops were helpful in determining the role of academia and the donor community in creating awareness and engaging different segments of society, but I was more interested in exploring the understanding of political reforms at the regional level. Although I derived a blurred understanding of the nature of the existing institutional setup, and the need for change in the institutional setup, I felt that there were still plenty of questions left unanswered.

I was particularly focused on covering the multiple interpretations of PPA made by local elites in the FATA region. I visited Jamrud *Tehsil* where the *Maliks* interact with people and state officials on a daily basis. I intended to observe the nature of interactions between the general public, *Maliks* and public officials. Additionally the intention was to better understand the blurred boundaries that enable spaces for *Maliks* to seek economic and political gains in governance. Attending political gatherings gave me the chance to observe the ways in which strategies are devised by local elites in order to establish a local presence in governance. These observations were useful in making sense of how local elites manage networks as students, civil society, and elites from other areas were also invited.

In both research sites, I immersed within the events as an 'active' participant, as I got involved in small case events to understand the internal dynamics of micro-politics. I always introduced myself as someone concerned with understanding the daily functioning of public life, the political life of local elites, the type of challenges they encounter, and how they overcome these challenges. Active participation included facilitating people with daily governance cases, while keeping away from influencing decisions. Yin (2006) rightly indicates that the exploratory nature of case studies is based around a pre-established criterion and is useful to understand the events that shape the actions of individuals and the overall perception of the subject under review. The case events illustrated the dynamics of micro politics that I was trying to explore. I was talking to people in the abstract, rather than talking directly about PPA. Through participating in these case events, it allowed me to make sense of how different parties were in dispute over civil matters. I looked at these cases, with the consent of a number of the parties involved and made inquiries about their nature to the relevant officers. The purpose here was to make inquiries as opposed to resolving those cases. These cases were extremely useful in the production of 'thick' data, understanding the operation of routine politics, and the micro details contained therein.

While handling these cases, it opened up avenues to explore, unfold, and make distinctions between events, in terms of what people witness 'front stage', and what is often inaccessible - the 'backstage' events (Goffman, 1959, cited by Devine, 1999, p.118). I observed that community members visited public offices on a routine basis. I observed that individuals generally preferred to meet officials

privately and out of view of other village community members. During these observations, a number of things transpired which would otherwise have been impossible to capture through interviews. I observed that while official rules define the criteria of access to resources, in reality the elites control the redistribution of resources for political gains. The interpretation of rules is orchestrated to best suit the interest of influential parties. To a layman, it is difficult to challenge the exercise of unofficial practices as employed by officials. As a local, I had prior knowledge of such malpractices in various departments in Pakistan and my personal experiences of witnessing them were useful validations. The techniques adopted thus supported my decision to explore the undisclosed perspectives in interviews.

In these interactions I noted that common citizens handed money out ranging from 500 to 20,000 rupees (roughly £3.50–£135) (depending on the nature of the work) as a token of gratitude (generally referred as '*chai-pani*' (meaning tea-water) for legal or sometimes illegal services. When observing these events, I often interacted with the general public to explore the reasons why many are compelled to engage in such practises. Common answers I would get were '*sa oko'* (what can we do) or '*bala lar neshta'* (there is no other way).

Below, I outline the numerous informal discussions I had with multiple stakeholders to explore the nature of arrangements in state-society relationships.

4.5.2 Interviews

Here, the interviews complement the observations so as to provide more significant insights into the behaviour and practises of local elites. There are two types of ethnographic interviews: semi-structured and unstructured. In semi-structured interviews, the respondents highlight areas which are of prime importance to them, whilst enabling the researcher a degree of flexibility to point the respondents towards a number of pre-defined themes (Jones, 2013). Unstructured interviews are exploratory, with no predefined agenda, and are more effective in informal encounter discussions (Mann and Stewart, 2000) (see next section). In my fieldwork, I adopted the semi-structured interview method, and in total I conducted 30 semi-structured interviews. This included conducting 20 interviews with *Maliks*. The remaining interviews were conducted with those who work in the bureaucracy, politicians, academics and civil society members. I interviewed elites from diverse backgrounds, and even amongst the elites there were people who were high up and those less so, and, as such, my interview techniques adapted accordingly. For instance, the level of formality increased when interviewing elites.

In FATA I devised a strategy of using the services of my gatekeepers to arrange interviews via the snowballing method. At the beginning I agreed in principle to pay £140 to some gatekeepers for

arranging interviews with local elites. This offer was solely initiated by me as a token of gratitude for the services provided. This amount may significantly increase for outsiders conducting a similar kind of research. I had to use my familial links to negotiate an appropriate amount for two purposes. Out of the full amount (£140), half was to be given to the gatekeeper for their time, assistance and taking care of my personal security. The remaining amount compensated my respondents using the 'ethos of reciprocity' (Willot, 2009), i.e. the knowledge gained through their input and giving something back in return. My gatekeepers informed me that reciprocating a respondent is a good way of building a rapport, and that this is considered normal practise in such situations.

One of my gatekeepers in FATA is an active social worker seeking governance spaces, often seen engaged in multiple local level workshops and arranging political gatherings on a routine basis. The original plan was to conduct interviews in an office-cum-house rented by a group of Pashtun nationalists. The nationalists felt threatened from the security agencies and the Taliban in particular by holding political views often seen as contradictory to national interests. However, later the site was cancelled as I was informed by the gatekeeper that the house was being watched by agencies. Therefore, a new plan was devised to conduct interviews in safer and more informal settings. Luckily, most of the respondents had migrated to Hayatabad due to the ongoing political instability in the FATA region. As per this plan, my gatekeeper accompanied me when approaching the *Maliks* to their personal residence located in the relatively safe areas of Hayatabad and Jamrud *Tehsil*. More so, I invited them to an even safer place, namely a room located in a public office which was allotted to guests of senior management. These rooms were located in a well-guarded area of Hayatabad, and I had managed to secure access to them for some time by using my contacts. The use of gatekeepers was extremely useful in arranging interviews with *Maliks*. As I will explain later in this chapter, due to political instability and ethical issues, I had to arrange the next round of interviews in the political administration office.

Most of my interview questions were open-ended. This was purposely designed to gain a deep understanding of the ways in which my respondents make sense of the PPA. The checklist used (rather than a questionnaire), was mainly semi-structured and designed to examine the impact of the proposed changes on the institutional structure of *Maliks* in their daily governance roles. I had a general idea of the kind of themes I wanted to investigate. I assumed before the research fieldwork that the extension of the PPA will possibly activate discourses that are relevant to the use of power–knowledge relationships. This effectively concerns how significant specific knowledge is for strengthening or weakening the position of a *Malik*. In the interview questions, I focused on the ways in which the *Maliks* interact with state actors, so as to understand the processes that animate or strengthen the

relationships between *Maliks* and state actors. The checklist explored the potential strategies with which the *Maliks* create spaces aimed at their social and legal repositioning as eligible political actors.

It was a rare occurrence for the local elites in Khyber to be visited by a researcher. For most of my respondents it was their first experience of giving interviews, therefore many displayed a sense of excitement that they had been approached, as this depicted a sense of importance, and that their voices would be heard or even broadcast. For some, it was an opportunity to express to a wider audience their passions and frustrations.

From the interview discussions it was clear that the *Maliks* opposed any change in institutional structure (see Chapter 6). In the beginning I asked direct questions related to the particular advantages of FCR for *Maliks* in order to explore their particular avenues of interests. Most of the respondents would evade discussions involving shared benefits in the misappropriation of resources as practised by *Maliks*. In fact, the focus was primarily on a vague presentation of their daily governance performance and its importance for the FATA region. In the interviews I would adopt a 'soft' approach, which concerned the adoption of informal discussions. Most of the discussions were formed around indirect questions related to particular events or stories related to the economic and political challenges that they faced in their daily governance duties.

Before each interview, I sought consent from the tribal *Maliks* on whether I could record their conversations. All my respondents willingly agreed to be recorded; although I felt some respondents feared whether their viewpoint would be shared with the political administration, and particularly those who were critical of the administration. As I will explain later in this chapter, my prime concern was to ensure all ethical considerations throughout the interview process. I also discuss later how I dealt with the challenges of developing trust with my respondents. At the end of each interview, I would ask the same questions 'unrecorded' and 'informally' to see the validity of their statements. These questions were asked with the consent of the respondents. On some occasions, I observed a deviation in their recorded interviews. Therefore, I took notes immediately after the interview to ensure that their views were properly documented. While most of the interviews lasted 50 minutes to one hour, some lasted only 20–25 minutes.

4.5.3 Informal Interaction

Throughout my research I often engaged in personal conversations in a very relaxed environment. Generally the ways most interactions and discussions went can be summed up in three ways. The first is that the discussion starts with a general discussion related mostly to social issues, followed by discussions of key issues, and the conversations are normally concluded with a discussion of general

issues again. Before starting a discussion with local elites, I mostly used the same technique. An important part of these conversations was to request the consent of respondents. All of my respondents granted me permission to use our discussions for my research. Requesting the consent of respondents appeared unfamiliar and odd to some respondents as they had never encountered such an experience before. Nevertheless, I had to explain my research responsibilities to them, and also the question whether they would like to keep their identity protected. I saw informal discussions and interactions as an apt opportunity to explore the ways people negotiate governance issues, and they were also useful for data triangulation and validation purposes. Much of my data were collected through informal conversations followed up by taking notes of these conversations. This included discussions with local elites in FATA, the staff at the offices working with project implementation partners, or the land revenue department; at the office of the Deputy Commissioner of Nowshera; in the courts with lawyers; and in informal settings with a variety of people that included *Nazim* Nowshera, other experts in land revenue, and members of the village community.

In KPK, I spent most of my fieldwork in the land revenue department where the village community visit on a daily basis related to land settlement issues. The community members approach officials to seek advice, arrange documents, or to make land transfer arrangement. In these interactions I often got a chance to broadly discuss their issues with the land revenue department, the role of political brokers, the ease in administrative work at the office and their progress in land acquisition payments. Most of the people I interacted with were quite open in highlighting the nature of power arrangement in village affairs. These discussions significantly developed my ideas and concepts that otherwise I struggled to gain through the interview questions. In a tea shop located within the vicinity of the office, I would offer them a cup of tea and biscuits or a samosa as a token of gratitude for their time given, and to keep them engaged in conversation.

I ensured that I spent the most amount of time that I could in the land revenue office. The biggest problem with spending a lot of time in the office is being seen as a regular visitor. Regular visitors are often those from land mafia groups, brokers nominated by politicians, or people aspiring to be local leaders. The issue here is that these people have power. They have developed a strong nexus with land revenue staff and in most cases with politicians. Also, the 'regulars' have valuable knowledge related to land settlement records. I was often advised by people to evade interaction with them because these people have the potential to control an individuals land settlement issue to create spaces for rent seeking. I however considered it particularly useful to meet these people, knowing the abundance of knowledge they possess related to my research. All my informal discussions with them were extremely useful in gaining an understanding related to local politics and land issues. Also it

helped in gaining a deeper insight into the nature of arrangement between officials and individuals. Under the condition of anonymity these people explained to me the various techniques (including bribes) employed in reaching a desirable solution with land revenue staff. I introduced myself as a researcher into land settlement issues related to the dam construction in Gul Dheri village (see Chapter 7). I engaged in discussions to understand in particular the ways in which they have managed to seek resolutions on various issues regarding the dam project. From these discussions, I found these people had contacts with the village brokers who helped enable amicable resolutions to certain issues related to dam payments.

At the time of my discussions, I did not find it useful to write notes for two reasons. First, it was important to keep the tempo of the discussions going. Second, it caused distractions. After a chat with an informant, I recorded the details in a notepad in my car that was parked in the office premises.

4.6 Ethnography and Flexibility

Established research techniques demand the application of standard methodological and ethical procedures by researchers in order to gather valid and reliable data. However in conflict settings, the researchers may experience a high deviation in the initial intended plan and execution of standard methods. Research in conflict zones operates in 'grey' areas where formal research methodological and ethical issues are challenged. A number of research scholars point towards numerous challenges faced by researchers in conflict environments regarding the collection of large datasets (Clark, 2006) encouraging the use of only qualitative methods due to the nature of political sensitivity (Romano, 2006), or the selection of research techniques (Jacobsen and Landau, 2003). The snowballing technique, on the other hand, does not necessarily guarantee effectiveness in terms of getting the 'right' interviewees, i.e. there could potentially be issues of mistrust between respondents.

Ethnography allows an element of flexibility in adjusting personal plans when conducting research in politically unstable regions. This flexibility is useful, in allowing the researcher to use their personal abilities to intuitively judge a situation; however, it can create other issues since the researcher may be dealing with limited options in the application of research techniques. The situation in politically unstable regions can change on a consistent basis. The perception of local actors depends on their personal experiences and on recent ones in particular. For example, I had to change the plans for one interview due to particular events. A week prior to my meeting with a senior lawyer and political figure from FATA, a bomb (unexploded, later found and defused) was planted by unknown militants outside

his house in Hayatabad. Any interview conducted in such a situation would have been unethical as per local norms or even established research perspectives.

From an academic researcher's perspective, the aforementioned situation poses a 'threat' with regard conducting interviews in such settings. Nevertheless, the challenge is to convert such threats into opportunities. My first interaction with this respondent was used as 'socialising' rather than as a professional commitment. As per local ethics, in such instances people are approached by well wishers to sympathise and pledge support to the individual. In this interaction I changed the research technique from an 'interview' to 'observing' the interactions of the political figure with the local residents visiting him. I observed how the discussions evolved from showing solidarity with my respondent, to discussing daily governance issues in the political administration. In addition, in this encounter I was introduced by my gatekeeper and the respondent to a variety of people ranging from media, *Maliks*, social workers, and ordinary citizens.

Another opportunity that arose out of potential obstacles in organising an ethnographic inquiry in FATA was the chance to focus on the role of political brokers in different institutional setups. What I initially sensed as a 'drastic threat' to the completion of my research fieldwork emerged as a type of 'blessing in disguise' as my initial line of inquiry, namely a study of the institutional system in the settled region of Pakistan, was thus reshaped into a more robust conceptual framework. Incorporating the examination of the settled region enabled me to encounter two different sets of actors operating under distant institutional structures. It was equally crucial to position myself as a 'neutral' observer to reach deeper into the inquiry of the nature of political settlements.

My purpose was not to learn about theoretical assumptions of neo-liberalism, international development and governance solutions from my respondents; rather, the purpose was to learn about how the local elites understand political reforms and strategise in response to political reforms. In this way I was theoretically informed about the contemporary debates on governance and peace settlements; however, the lack of empirical focus on the role of local elites in these studies positioned me to be flexible in gathering new insights to questions about political reforms, local elites and power in a conflict setting.

The following section describes how I negotiated reflexivity and my positionality within an environment in which people have varying perceptions about researchers, their roles and personality, and how I developed relationships of trust and built rapports.

4.7 Reflexivity and Positionality

Hammersley and Atkinson (1995) describe reflexivity as follows:

> Reflexivity implies that the orientation of researchers will be shaped by their socio-historical locations, including the values and interests that these locations confer upon them. What this represents is a rejection of the data that social research is, or can be, carried out in some autonomous realm that is insulated from the wider society and from the particular biography of the researcher, in such a way that its findings can be unaffected by social processes and personal characteristics. Also, it is emphasized that the production of knowledge by researchers has consequences. (1995, pp.16–17)

This explanation highlights four key areas: (a) The orientation of the researcher to immerse within the field; (b) the field relationship between the researcher and that and or those being researched; (c) the generation of quality data; and (d) the management of ethics.

It is difficult to disentangle a researcher from the whole research process and to treat them separately (Hammersley and Atkinson, 1995). The orientation of a researcher has been widely debated within the anthropological literature, with particular regard on how Western researchers should immerse themselves within the research field of developing countries. Most inspiration is drawn from the work of Goffman's *The Presentation of Self in Everyday Life* (1956) which recommends that the researcher adapts to subtle aspects like clothing, local mannerisms, overall postures, and negating the conflictual impression of an outsider's identity, nationality (Lewis, 1991), social status (Costa, 1997) and occupation (D'Rozario, 1998) (all cited by Devine, 1999, pp.120–1). The perceived role of researchers can be seen with suspicion and mistrust, with locals attaching different labelling to their role, such as 'CIA Informant' (Devine, 1999), *bideshi* (Jackman, 2017) etc. My experiences add to the debate in reverse. A large body of literature focuses on orienting the researcher's physical presence in the field, to the neglect of how international students manage impression management pre- and post-fieldwork in Western universities and societies. Taking the experiences of international students in a Western context knits together the overall research processes, and this section briefly elaborates on my experiences of negotiating issues pertaining to my nationality and identity in the Western context, and the subsequent emotional aspects attached to it. I argue that negotiating the pre- and post-fieldwork experience concerns 'evolving and dialectic interrelations' (Devine, 1999, p.129) and is crucial to the overall positionality and reflexivity to data collection and the overall PhD process.

Being a Muslim, from Pakistan, the growing far-right politics in Western societies, and the bad press attached to terrorism, all contribute to labelling, suspicions, and subtle social neglect towards the international student (based on my informal conversations with Muslim international students in UK). Clearly, these factors identified may denote individual's emotions overriding the professional ethics and

abilities to immerse within the Western cultures. Negotiating my identity and nationality involved dealing with multiple questions being asked on UK immigration, and the strict laws for UK home office for International students. More so, integrating within local culture of the UK, to a new life in university campus, dealing with negative stories about terrorism, its effect on the overall perception of Muslims and more specially Pakistanis, or acid attacks on the streets, were all emotionally draining processes.

Negotiating my identity involved how I presented myself and immersed within Western society. I adapted to delicate things like clothing, listening to Western music, television, newspapers, watching cricket and football, to casual entry to the pubs, in an effort to make sense of British society. I was fortunate to have lived and studied previously in England, and family members residing in the country. Socialising with friends, making new friends at university, intermixing with UK citizens, from all race and background, in a variety of locations, attaining memberships; such as chess club, gymnasium etc, all were useful to get immersed in the UK and focus on my research work. Mostly importantly these interactions allowed me to understand the local culture, with an open mind, in trying to make an effort that I am seen a person who wishes to integrate within the society. The dilemma how to change the perception of the overall community is beyond the control of a researcher, but I was fortunate to be within a decent, friendly, accommodating, and inter-racial environment at Bath. Most importantly the support of my supervisor and kin members were deciding factors, to detach myself from external distractions and keep the PhD going.

Immersion within the Western context, and even my travelling experiences to Europe were useful to detach myself emotionally, and to reinvent my identity. I remain to see myself as Pashtun, Pakistani, Muslim, but most importantly a global citizen interested in peace or understanding peace and conflict impartially. In the beginning of my doctoral research, I had a raw empirical understanding of the social and political dynamics in the FATA region. I admit that being a Pashtun, my mind had been locked in the construction of reality pertaining to governance issues in FATA. In a sense the approach adopted for this research is inductive whereby I let the data derive a conceptual understanding. As is often the case with PhD students I had an abundance of preconceived ideas, especially in my first year, but when I struggled to settle on a theoretical framework, or justify its relevance to the FATA settings, I started to separate my emotions to develop an understanding from a non-judgemental and unbiased perspective. During the whole research process I have been made to think deeply about the role of intermediaries in governance. The challenge has always been to separate the wood from the trees.

Initially I valued the analytical strength of development and governance discourse as represented by Foucauldian studies[59] as regards the understanding of power and knowledge in the contemporary state–society interface. My perception on the functioning of the Pakistan state was inspired by the Foucauldian notion of bio-power concerned with the governmental ambitions of the state in adopting sophisticated techniques to mould the behaviour of individuals in the FATA region. The discussions in the empirical chapters were intended to capture the state's attempt to hold power by using access to resources as a tool to distribute power amongst favoured agents at the local level. Looking at it from a bio-power perspective, it would seem that the state is in control of shaping the individual's behaviour – individuals who appeared to be docile.

Working on my positionality and reflexivity pre-fieldwork enabled me to approach the research fieldwork with an open mind. I confronted multiple realities that began to open new horizons. When I interacted with local actors, I found that the state has a limited monopoly over violence in FATA. I explored the notion that power is produced and negotiated between elite groups both by the state and local actors. Political settlements thus I have realized are the outcome of negotiations between multiple key stakeholders. How then the state imposes its writ then moved beyond the scope of my research.

In my fieldwork I had to negotiate two key aspects of impression management: (a) my social position and (b) my occupation as a PhD researcher. Political leadership in FATA and KPK is male-dominated, so issues of gender differences, or nationalities did not occur as I was a local and conducting most interview with male participants. In a way both my occupation and social status overlapped in the field. My occupation as a PhD researcher positioned me as an 'elite' and 'blessed' person with a stable career and background. Moreover, some people understood that my occupation could be a potential source of opportunities for them or their kin members. I became aware of my status imbalance with respondents at a very early stage of my fieldwork, as the diary account I wrote shows:

> Today I used my contact in FATA Secretariat to approach the Assistant Political Agent (APA) informing them about my visit to the political administrations office. As I drove passed Peshawar city and I crossed Raigi Lailma and Industrial markets (The locals lay their claim over Raigi Laima and have their case registered against the state possession) I was stopped by the local police force called *Khassadar's* force as I reached the check post for routine checking. I provided my identification, and brought to their attention that I am the 'guest' of the APA. The staff were already informed about my

[59] Post-structural and post-modern criticism of development is built around Western hegemonic ambitions to alter local socio-cultural settings in developing countries. My understanding was that in pursuit of domination, the Western powers have reshuffled the social order in developing countries by creating/using new forms of institutions and networks. Also, in recent times, the knowledge of good governance and democracy (such as the PPA) is being put to work in the rearrangement of a political system and the 'local empowerment' of tribal people to act as institutions of social control.

> arrival and I was offered lunch / or tea (a sign of hospitality to serve APA's guest). I thankfully refused their offer citing my busy schedule and the urgency with which I had to meet the APA. The head of the *Khassadar* force was reluctant to let me drive alone, and cited orders from the APA office to provide me security to the office, 10 minutes away from the check post. I was provided with two *Khassadar* as my personal security.
>
> As I reached the political administration office, accompanied by two personal security, all eyes were on us, much to my discomfort (thinking perhaps I was an important delegation visiting). In front of the political administration office, I saw around 50 *Lungi* holders (seated on chairs) waiting to gain access to the APA's office. My visit was during summer time and the *Lungi* holders, some young and some old, were facing issues coping with the intense weather conditions. When I was introduced by the *Khassadar*'s force accompanying me, to the security staff in front of the APA's office, I was given direct access, and at that point I felt privileged but on the one hand I felt sorry for the people. I felt somehow they would have felt injustice, and also their inability to gain direct access due to their lack of contacts. (Diary, 15 September 2014)

My visit to the office created an impression that I am socially and politically well connected. A lot of people approached me with the hope to resolve their issues. More insights from the diary account revealed:

> After the meeting, when I came out of the APA office, I was approached by one of the *Lungi* holders asking me if I can assist him gain access to the APA office related to a governance issue. At that point I felt helpless, and reluctantly I apologized citing my inability to approach the APA related to his issue, since I was a researcher rather than any important delegation visiting, and therefore no such powers that could enable me to resolve his issue. (Diary, 15 September 2014)

Revealing my occupation was necessary since I was aware of the high probability of potential conflict between parties arising as a result of resolving disputes. Therefore, my professional ability to remain impartial, non-judgemental and to avoid taking part in decisions throughout the observation process resulted in no negative consequences to any of my informants.

In my subsequent visits, I made minor adjustments to my impression management. Being a local, I paid particular attention to how I presented myself, striking a balance between a person who is respected, while at the same time being someone who is comfortable within and accustomed to the local environment. I avoided wearing any branded clothes and shoes, and rather relied on wearing *shalwar kameez* (local dress) together with Peshawari *chappal* (men's sandals). In addition, I managed to grow a trimmed beard, drinking tea with people in canteens located in the office, being offered cigarettes, and offering cigarettes, situating common friends, having informal discussion on social and political issues, adapting my eating habits – eating lamb and kabuli rice (while ensuring my research ethic

declaration of hygiene), and attending informal gatherings (accompanied by gatekeepers). All minor adjustments were useful to develop neutrality in my social status, and to build connections of trust and rapports with my respondents in an effort to gain reliable and 'thick' data. To a local, all these minor adaptations might signify my role as a 'MI6 spy' or a state agent. Section 4.10 elaborates further on how I developed relations of trust and suspicion. The next section discusses how developing these field relations facilitated me to triangulate and validate my data collection.

4.8 Validation and Triangulation

Those in limited access societies rely on informal arrangements to access benefits. These arrangements, often clientelistic, are negotiated with state officials. When interfering in the lives of actors on sensitive issues such as land acquisition payments, or in an intensely surveyed environment such as FATA, it is only natural that some respondents will display political correctness.

Validation and triangulation formed a major part of my research fieldwork. Validation and triangulation concerns the credibility of data, and multiple sources telling me a similar story. For my research I used and analysed observations of my respondents, and kept away from using data which represented the opinion of a single respondent. I took the opinion of a single respondent which was of interest to this research, and took some of those ideas into the next round of interviews or observations. Discussions on reflexivity and my positionality in the preceding section show that this research is inductive. I validated and triangulated data in a number of ways including my respondents validating the analysis, while the experts who were consulted came from multiple fields, such as those in academia, civil society, law, NGOs, local departments, and local journalists. Analysing data was an ongoing process, and as different ideas came up, I would often go back to the respondents and engage in informal discussions with them again, asking similar questions in different ways. I was also triangulating through informal conversations with a fictitious narrative, creating examples, so my respondents could comment on them.

I navigated through the various constructions given to me in order to gain a deeper understanding of political reforms and local leadership. I built trust and a rapport with respondents and cross-checked information with multiple local actors in order to derive the right kind of information (more information on this will be provided in section 4.10 below). During my fieldwork, officials often gave me multiple interpretations of case events. Laws are very complex beyond the understanding of poor citizens, and as such officials use their advanced 'knowledge' on the subject to their advantage. The local elites dealing with case events often changed their accounts, or gave me informal and historical references to

justify their claims. The citizens complained that the officials use their skills to manipulate loopholes in these laws. I admit that it was extremely challenging to identify the exploitation of loopholes, and I spent considerable time in understanding these laws. I met with lawyers and experts to try and better understand the official version of land settlement laws and to validate the version given to me by officials and political brokers or *Maliks*.

In KPK, for instance (see Chapter 7), making sense of communal law was difficult to validate. Due to the complexities pertaining to the formal laws and informal politics, officials have to negotiate on a daily basis.[60] There were ambiguities attached to the distribution of communal land. This effectively meant that officials have 'informal' overriding powers to navigate the law relating to land acquisition payment. At the village level the political brokers supported (and controlled resistances to) the implementation of communal land law. Thus there were no such avenues for the people to first understand and subsequently challenge the official version.

After collecting and sharing information of all relevant land settlement documents for the village, multiple lawyers informed me that officials had provided me with incorrect versions. I revalidated these claims from other senior lawyers in local courts and higher courts. In these discussions it transpired that the distribution of communal land had not taken place till this date, and that the meanings, interpretations, and 'backstage' politics of the everyday functioning of governance had thus become clearer. Moreover, similar observations about payment mismanagement were raised through triangulating informal discussions and interactions with a number of citizens and beneficiaries (Chapter 7 discusses in detail the dynamics of micro politics around the dam project and compensation payments).

4.9 Writing field notes and analysis of data

In the initial phase of my research fieldwork, I often encountered problems with writing extensive details of my interactions with respondents in a diary on a daily basis. My initial plan was to spend 20 days in Islamabad, where I would conduct each interview and have sufficient time to reflect on the key issues arising out of my interactions thereafter. However, most of my respondents were either politicians or serving in high official positions. The interview arrangements were fast paced and because the availability of respondents sometimes coincided some interviews were arranged on the same day. In my case, I conducted five recorded interviews in four days. I would take key notes during the interview process. Recording extensive details about the interaction in a diary was done on a daily basis.

[60] The nature of illegal arrangement between land revenue officials and political brokers is discussed in detail in Chapter 7.

Nevertheless, I would often take short notes (in the form of bullet points) during interviews, and as I was recording the interview on a mobile phone, I would later add further key notes listening to the recordings. Moreover, as I conducted the interviews, the process would generate new layers of ideas. Key themes in the interviews sometimes overlapped or got refined with preceding ones. I understood that writing notes in a diary would be useful so as to organise the data attained through interviews, observations and informal encounters. Thus, I recorded all the interviews and interactions to capture the multiple dimensions thereof.

Writing notes in a diary and reflecting on the data was also useful to analyse the positionality of my respondents at the local level, so as to gauge the type of language and practices used by people to gain access to key officials. I found that writing field notes was useful in understanding the diverse themes emerging out of my data. I often incorporated those ideas in the following interviews or informal discussions to examine a particular social or legal phenomenon.

The operations of state-society relationships in two different institutional structures made my initial line of inquiry complex. The role of intermediaries in the settled region required focusing on different sets of actors and dimensions to state-society relationships. This included incorporating the significance of political brokers in their daily governance role. Writing notes in a diary, cross-checking these notes and having further discussions with my supervisor enabled me to look at the issue of political reforms from a different perspective. I began analysing the impact of political reforms in how they reworked the basic and social relations in FATA from the perspective of local actors as able agents who can strategise institutional change.

Over the next few months, I updated my diary regularly to capture observed events, and even self-narrated events in recorded mobile phone messages. I considered using a test case by outsourcing the interview transcriptions. However, due to the highly sensitive nature of my data, it was difficult selecting an appropriate and trustworthy translator. I concede that I did not find outsourcing the data transcriptions a positive experience. First it took more time than expected for data transcriptions. Second, I did not particularly find reading the extracts useful in terms of capturing the real essence of the interviews as I had observed in my personal interactions. Thus, I took charge of transcribing all the interviews myself to make better sense of the interface encounters.

The process of research fieldwork took nine months in Pakistan i.e. four months in FATA, and five months in Nowshera District. I conducted a preliminary analysis of the key themes after returning to Bath in May 2015. During fieldwork I attempted to organise my data by writing chapters in raw form, and had planned to analyse my data chapters in the UK. This decision was motivated by two factors.

First, the FATA region is an extremely dangerous and stressful place to live, and in addition to the violent threat from militants, other potential issues such as power cuts, sometimes ranging to 12-14 hours a day, can be very disruptive. Second, my research is inductive in nature. I learned new things about my topic with every passing day as events unfolded. Hence, I considered it prudent to collect as much relevant data as possible. During my fieldwork, as a second line of defence against losing data, I used the Nvivo software to store interview transcripts, read, re-read, code themes, and organise them in folders, so as to then develop key analytical concepts emerging from my fieldwork. Coding on Nvivo enabled me to produce different kind of themes ranging from broad ones such as clientelism, violence, money, election results, political access to a more micro-level analysis of the strategies between the local actors involved (dispute resolution, ID verification, vote bank, etc.). I also used Nvivo to assist me in my thought process, as it allowed me to examine the relationships between different nodes as I began to revisit my data interviews and write chapters. The constant reflection, timely supervision and informal conversations with friends and colleagues helped in the development of a conceptual framework.

4.10 Ethical issues

A significant risk in politically-unstable regions (such as FATA and KPK) is in addressing the level of security risk for the researcher and for those whose lives may be affected by the research process. During my fieldwork I visited different locations in KPK and Khyber Agency in FATA. Most of the ethical issues related to my research fieldwork were addressed and approved in the ethical form and PhD confirmation report. I constantly remained in contact with my supervisors through Skype, email and telephone (initially two times a week, then once a month) and kept them informed about my movements in advance relating to my travel arrangements.

Some of the areas I visited are recommended against all travel by the Foreign and Commonwealth Office (FCO). Historically, FATA has been a politically unstable region; however the general elections of 2013 and military operations restored a significant amount of political order and normalcy. In Khyber Agency for example, the FATA Disaster Management Authority (FDMA) facilitated the return of around of 2900 internally displaced families to their homes in May 2014 (Tribune, 2014). Below I briefly explain the potential risks, and how I minimized them to conduct safe and effective field research.

District Nowshera, in Khyber Pakhtunkhwa is my hometown where I have extensive familial and other support networks. The risk was minimal given that it is my hometown and that I resided in an army cantonment area which is heavily guarded. Initially I intended to reside there for the initial phase of my

fieldwork that required the collection of secondary data sources. I stayed in Nowshera for a significant part of my research fieldwork. The dam construction project highlighted in Chapter 7 that focuses on local-level power dynamics is situated in Nowshera. I maintained Nowshera as my permanent base and travelled to Peshawar, KPK to meet bureaucrats in FATA Secretariat and experts in academia from the University of Peshawar. The FATA Secretariat, Peshawar University and NGOs are located in heavily-guarded areas of Peshawar, the capital city of KPK (approximately 30 minutes from Nowshera by car). In addition, I consulted NGOs (such as the Shaheed Bhutto Foundation located in Islamabad) and FATA politicians in Islamabad who participated in the policy making and implementation of PPA. I stayed at my sister's home in Islamabad. This phase meant using my existing contacts to arrange meetings in advance to explore the understanding of higher level FATA politicians residing in Islamabad, and experts in NGO's on PPA and the role of *Maliks*.

As per my plans, the second phase of my research fieldwork involved the examination of local elites understanding of PPA in FATA. Although all seven agencies in FATA have law and order issues and are vulnerable to insurgencies, the severity and frequency of insurgencies varies e.g. the likelihood of insurgencies is high in South and North Waziristan as compared to Mohmand, Kurram, Orakzai and Khyber Agency. Familiarity of local knowledge reduces risk related to the proposed choice of research site, travel arrangements and accommodation plans. For this reason I chose Khyber Agency as my research site. Khyber Agency is roughly one hour's drive from my hometown Nowshera Cantt. I had planned to reside in our family home at Hayatabad Peshawar (KPK), a ten-minute drive from the research site. The risk was further minimized by the fact that the *Maliks* (intended respondents) reside in urbanized Khyber Agency since most of the offices are located near industrial areas, Bara Market and in Peshawar KPK. It is a well-guarded area by the Frontier Constabulary and Khyber Pakhtunkhwa police. This particular region can be considered relatively safe as no significant incidences of insurgencies have been recorded in the past decade or so.

Amidst the suspicion and distrust in a conflict environment the researcher and respondents are both at risk. As the conflict level in FATA is high, the role of media and academic researchers is generally seen in a suspicious light. In addition, in FATA, the level of security risk is high from militants and US drone planes. The unmanned drone aircrafts controlled by NATO forces over FATA airspace were on routine operations during my field research. The drone operates on human intelligence i.e. its strikes are controlled by information given from the ground. At the same time, however, people refrain from attending social events, weddings and family gatherings from fear of being killed by 'collateral damage' (Irfanullah 2014, p.103). As an outsider it was increasingly difficult to identify the political background or association of individuals with varied groups. Thus, it was increasingly difficult for me to identify a

possible setting to conduct interviews. Conducting interviews thus, in desired settings or natural settings as advocated in research methodologies in literature becomes a challenge to exercise.

Surrounding the uncertainty regarding security issues, a key problem was to build trust and ensure the security of my respondents. To overcome these barriers, I chose the next round of interviews in the Jamrud Political Administration office, which was not the target of drone strikes. The office is relatively operational in a high security environment, and the security officers tightly manage security issues from the threat of militants. I was allotted a temporary office by the Assistant Political Agent (APA) to conduct my interviews. In addition, the APA nominated one official and a *Malik* to facilitate me in the process of data collection. The allotment of an office itself signified the state approval of my presence.

I applied extreme caution in reaching out to respondents living in remote areas. When conducting one interview in a remote village in the Jamrud *Tehsil*, I visited a close friend (a *Lungi* holder with pro-Afghan ideology) of my guide. The son of the *Lungi* holder escorted us from the local industrial market to their home. We found the respondent very hospital, expressive and passionate. However, when returning from the interview site, as I engaged the son in informal discussions, it transpired that the person has previous affiliations with the Taliban. Throughout the discussions, I remained non-judgmental and listened patiently to his views. Nevertheless, after the encounter I decided to conduct interviews in more controlled settings that protected my security and that of my gatekeepers.

It was important to make clear to the respondents that their anonymity would be protected. For this reason it was important to develop a relationship of trust with the interviewees and to ensure that their anonymity would be protected. All my respondents allowed me to cite their names in my research, which I was grateful for. Nonetheless, I have chosen to use some pseudonyms instead for some respondents, where necessary. The questions in my checklist were designed to acquire knowledge about the perception of local elites about political reforms. One-on-one interviews were conducted, and I assured respondents that no staff from the political administration would observe these interviews. I acquired consent from my respondents concerning giving interviews. I also disclosed to them the reasons why a study on *Maliks* was being conducted. On occasions when the interviewees chose to discontinue, I respected their right to do so. The biggest issue here was to clarify the motives of my research. The interviews started with a brief introduction, outlining my familial links in the region, and finding common friends and building on those relationships. I started the interviews in informal ways, by narrating my personal experience of visiting Jamrud from childhood times, and how things have changed over time, which is customary in the region when starting discussions about social, economic and political issues. In it, it was explained why a study on *Maliks'* perspectives is important. I observed

that a lack of empirical focus in the research area gave chances for *Maliks* to express their views on the topic.

In conducting research in conflict settings, it is important to recognise the social responsibilities the respondents might have in their daily routine tasks. As such, it is often the case that the researcher socialises with the respondents, their friends and family during their daily routine tasks. This socialising posed distractions in the focus and control of conducing semi-structured interviews and informal discussions. However, I used these distractions to observe the ways in which the different kinds of relationships are formed and maintained. On many occasions, while I encountered difficulty in understanding the respondents' perspective on governance, I found such interactions in informal settings as useful opportunities to explore the significance of social capital as leadership ability.

I adopted a participatory observation technique, and throughout the research, I positioned myself as an active participant in exploring the micro politics and strategies made by local elites. In order to get substantive qualitative results it is important to observe them and ask questions in a non-judgmental manner, to be patient, and wait for the right moment to finish my interview / observations. I consider it extremely important as a human being and a researcher that the quality of any information or extraction of information is met with an unbiased assessment.

4.11 Conclusion

There are fewer empirical studies covering the methodological aspects of conducting research in war zones. One of the aspects of this chapter is to highlight the nature of challenges the researchers face in conflict settings. The research site amidst reconfigurations, resistances, and the active involvement of non-state actors in armed conflict against the state informs the need for researchers to understand and to be aware of the different challenges and unique characteristics. Given that some people may be suspicious of the researcher's motives from the beginning which could cause distrust and suspicion, how then to develop trust and a rapport with respondents depends on the ability of the researcher to negotiate the research processes. As such, I have laid out in the different sections of this chapter the notions of 'navigating' and 'negotiating' concerning potential issues in conflict settings related to access, process, ambiguity, and the research questions.

The deployment of an ethnographic approach was useful in exploring how local actors make sense of their actions. The nature of my research was inductive, in that most of the themes emerged from the data collected via semi-structured interviews, observations and informal interactions in the field. I conducted my fieldwork with an open mind and outlined an unbiased analytical description of the elite

view (as discussed in the following chapters) revealing that the examination of political reforms, local elites and power is a complex phenomenon. As my empirical chapter will show local elites compete, capture, negotiate and then share power around political reforms. This conceptual understanding of power was made possible by (a) observation and interviews in FATA, but more specifically (b) the examination of a different institutional structure in KPK to understanding the power dynamics at the local level. The adoption of a different institutional structure also helped in the comparison with the intended study topic: the institutional structure of FATA. From this it can be derived that although conflict sites pose dangers and at times the events can shatter confidence, these dangers also present opportunities.

Chapter Five: PPA, and Reworked Political Leadership and Authority

5.1 Introduction

In Chapter 3, I discussed how the FATA region is politically controlled by *Maliks* under the British-imposed FCR, under which political power is passed on by male hereditary transfer. The chapter also described how the *Maliks* are empowered to exercise control over local governance and matters pertaining to judicial matters. In the last two decades, the FATA region has seen three major political reforms: the introduction of adult franchise in 1997, the extension of the PPA, and the LGR. Discussion in Chapter 3 showed that at present the PPA has ignited a hybrid form of governance in FATA, i.e. the official method of local governance remains with the *Maliks* under FCR, while at the same time the leadership of the National Assembly is elected through 'open' competition. Figure 9 illustrates the make-up of institutional restructuring in FATA over time.

Figure 9: Evolution of Political Structure Over Time in FATA

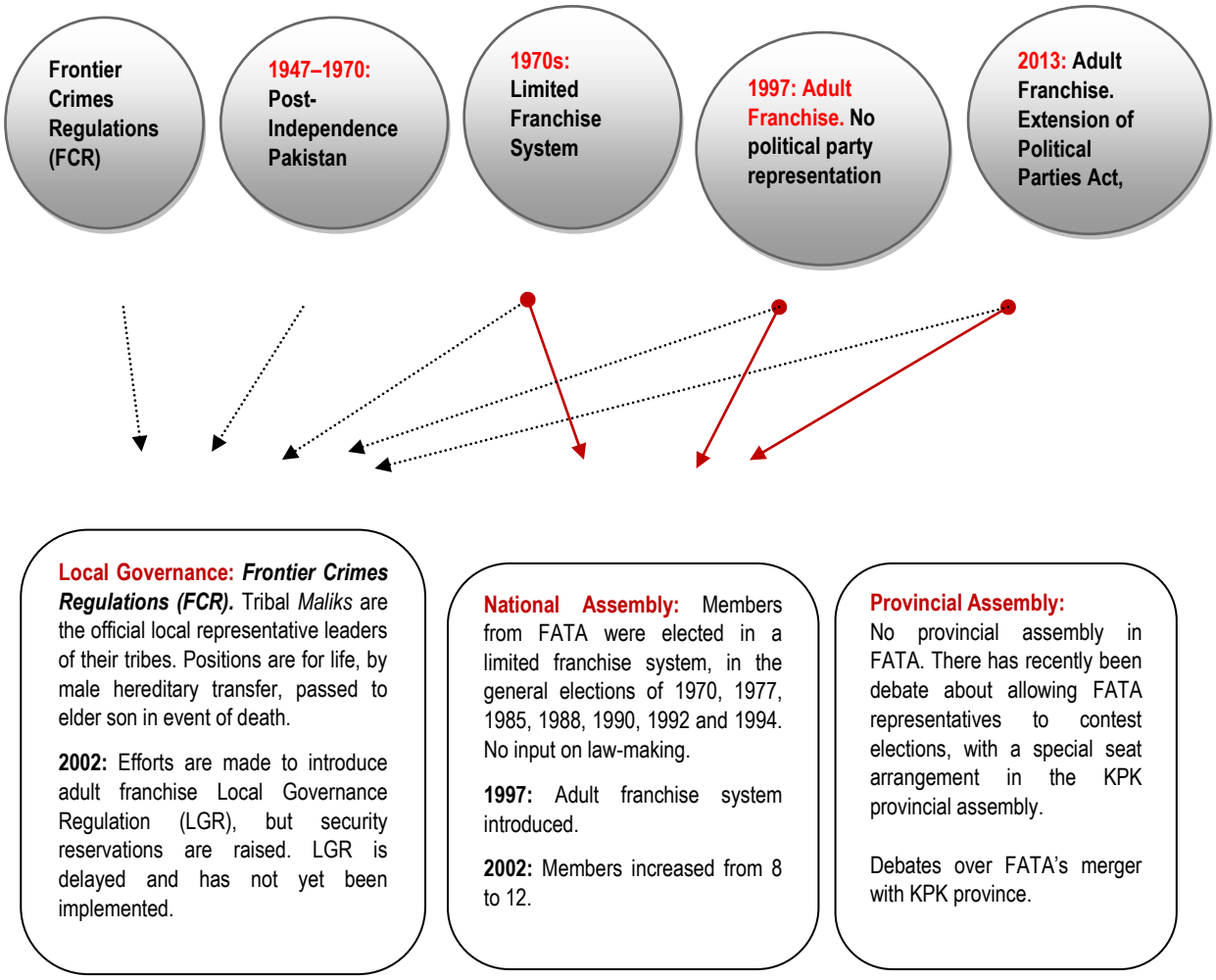


Figure 9 shows that at present the FATA region has no provincial assembly or local body council. This chapter will highlight that the new political elites exert constant pressure on the state, and to a certain extent are successful in enforcing further institutional reforms in an attempt to reduce the role of *Maliks* in local governance to be relatively inconsequential. Despite these pressures, Chapter 6 describes how the *Maliks* hedge against the PPA in an attempt to maintain power at the local level. In a sense, as the first two empirical chapters (5 and 6) will illustrate, bargaining is going on among the local elites in FATA, and part of the consensus is to determine the nature of institutional structures in the region.

In an institutional change, the framework proposed by North, Wallis and Weingast (2009) allows us to examine conceptually a very important link between leadership and how basic social and political relations are reworked. In chapters 2 and 3, I explained that violence disrupts the opportunities for rent-seeking of elites working under the state apparatus. Managing violence becomes important for these elites to create spaces for rent-seeking. The existing literature in development studies covering social and political relations is broadly analytical in nature (Roniger and Gunes-Ayata, 1994; Eisenstaedt and Roniger, 1984; Khan, 2010; Briquet, 2013; Legg and Lemarchand, 1972; Scott, 1972; Clapham, 1982), focused on showing changing power relations through the concept of clientelism, and the ways that patron-client relations modernise. In these studies, the authors do not examine empirically the changing social and political relations in an environment of political change. Moreover, anthropological work in development studies (e.g. Auyero, 2000; Li, 2007) approaches the subject from the perspective of 'poor people politics'. To my knowledge, very few empirical studies in South Asia, and none in FATA, have approached the question of changing social and political relations from the perspective of the local political elite. This perspective is fundamental to the whole notion of institutions and institutional change, as it helps us understand how governance reform is appropriated and reproduced on the ground. By using the analytical tools of loyalty, networks and rhetoric the empirical chapters extend North, Wallis and Weingast's (2009) framework and show empirically the significance of interactions between elites, bargaining, leadership and authority within the renewed landscape as being central to how political settlements evolve.

The aim of this chapter is to examine how the PPA as a reform process has shifted the architecture of elite consensus in the FATA region. In doing so, I have concentrated on showing that the PPA creates new forms of power and relationships, as I begin to explore how political leadership and authority has been reworked in the region. I argue that the main change to the architecture has been the emergence of new political elites. These new elites have edged their way into the political systems of FATA and altered the conditions of basic social and political relations. I further begin to examine the impact of the

reworked authority and leadership in the ways the new political elites devise strategies to build their legitimacy and succeed electorally.

I examine the change in the overall landscape of elite composition through three questions:

a) What are the fundamental changes in the political landscape of FATA and the leadership and authority within that landscape?
b) What type of 'new' political elite is best positioned to capture political power as a result of the extension of the PPA? Here I investigate the profile of the new political elites and the source of their authority, and gain an understanding of their link(s) with the *Maliki* system and their aspirations and motivations.
c) What are the processes through which the new political elites engage with the voters in FATA in trying to win over and secure the loyalty of citizens? I observe there were three interrelated factors that enabled the new political elites to secure their legitimacy and consolidate their positions: (a) loyalty (money, social welfare, and local pacts), (b) networks and (c) rhetoric.

Analysing these processes enables us to understand both the power dynamics within PPA and its wider relationship with society in FATA.

5.2 Leadership Opportunities in the PPA

> Institutions create opportunities and incentives in different forms of human exchange whether economic, social or political. (North, Wallis and Weingast, 2009, p.3)

Political leadership is significant for the people of FATA – as a status symbol, a marker of social power, a platform for widening networks, an avenue to enhance economic position, and access resources. In chapter 3, I discussed the pre-existing political structure in FATA, and explained how the changing social and political dynamics enabled a change in institutional structure. In this section I shift the lens from structure to 'actor' in describing the significance of the PPA, which has created a whole new set of political opportunities for new political elites to emerge. Through the PPA, the new political elites in FATA have an opportunity to capture authority and a franchise that enables them to rework the structure of leadership in the region. Unlike the male hereditary structures in FCR, which provided overriding leadership powers to a limited number of elites – i.e. the *Maliks* – the extension of the PPA introduced 'open' political competition. The PPA allows all eligible citizens, including men and women and the *Maliks*, to contest elections. The extension of the PPA enables political parties to open offices and allocate a party ticket for 12 seats in the Pakistan lower parliamentary house (National Assembly),

spread over seven agencies. The Khyber Agency has two seats in the National Assembly (NA-45 and NA-46) and one in the upper house (the Senate).

The FATA region does not have a provincial assembly or a local council body. The national-level LGR provide further opportunities, through the adult franchise and joint electorate, to empower local political actors by election as councillors. The new political elites exert constant pressure on the state to either abolish the FCR or introduce further local governance reforms; meanwhile, the *Maliks* continue to officially represent the state at the local level. As the political actors await further political reform in FATA (whether or not these come about is not the focus of this research), the political parties are beginning to provide opportunities for local actors at the regional level.

These opportunities have emerged as the political parties have begun to institutionalise party structures within the FATA region. Through my discussions with multiple respondents, a typical organogram of most political parties became clear to me, with all having similar hierarchical structures. I learned that the political parties have developed small, centralised organisations and within them leadership opportunities, from *tappa* (hamlet) and *kalay* (village) to *tehsil* (sub-county) and Agency (district) up to the top level. For instance, the organisational structure of Jamiat *Ulema*-e Islam (Fazl-ur-Rahman group) (JUI-F) in the Khyber Agency consists of a hierarchical structure, including a number of organised units at the regional level. Jihad Shah, the JUI-F information secretary for Khyber Agency, explained to me that JUI-F is expanded into operational units – a general council and a cabinet. These units have different post and party positions, such as president, vice-president, general secretary, deputy general secretary, information secretary, office secretary, joint secretary and security officer (Jihad Shah, interview, 31 August 2016). Similar structures were observed for national political parties such as Pakistan Tehreek-e-Insaf (PTI), Jamiat *Ulema*-e Islam (JUI) and Awami National Party (ANP). In Khyber Agency, other national political parties are beginning to develop their organisational structures.

5.2.1 ***Access to PPA Leadership Opportunities***

I observed during my fieldwork that the new political elites use both formal and informal channels to access opportunities within the leadership positions of political parties. Access to political leadership is formalised at the hamlet and village level as the political parties being established in FATA organise their hierarchical structures. As the PPA is new, the parties are looking for candidates and workers to provide a middle-class entry point in the region. Potential party representatives are identified by the *Tehsil* cabinet and the list is forwarded to the Khyber Agency cabinet for consideration. Positions on the

regional council are filled after a consultation process during which decisions on candidates are passed to the general council for approval without intra-party elections.

Access to mid-level positions – secretarial level and *tehsil* coordinators etc. – is structured slightly differently. A number of factors are considered in the appointment of an individual, including the long-term affiliation of an individual with their party, loyalty and performance. Often, preference is given to candidates who navigate their way up through their own performance. This is generally judged by the individual's ability to conduct political activities. The political workers perform daily operational duties and ensure the promotion of party activities in the region. This involves coordinating with regional party organisations, and the ability to organise political gatherings. The political workers are keen to increase the number of participants in these gatherings to show their effectiveness. Another role of political workers is to organise protests as directed by the party leadership, or in the event of dispute with the political administration. The performance of political workers enhances their individual chances of access to senior positions within a party, unless influenced by informal channels.

For senior positions, the political elites use informal channels to access leadership opportunities. Thus, access to political leadership for these positions illustrates the theoretical concepts of Barth (1959), Schaffer and Wen-Hsien (1975) and Ribot and Peluso (2003), according to whom local actors navigate around a set of power relationships to obtain resources. While Ribot and Peluso (2003) focus more on the manipulation of social relationships by local actors to access resources, the conceptual ideas are similar to Barth's theoretical assertion about the Pashtun local actors using kinship ties and social relationships to access leadership opportunities. Since senior party leaders are more likely to be given a party ticket in elections, the candidates use their network of connections with the party's top leadership to access senior positions. This became clear when I interviewed individuals who told me that family or direct links to the leadership of a political party were put to use to obtain a senior party position. However, support for these political parties was low, so there was little competition for access to senior positions.

In Khyber Agency I noticed that the demand for senior positions was higher in some political parties than in others. Increased support for these political parties has generated competition for positions between local political actors. The support tends to be higher for political parties that are likely to provide a candidate with a greater voter base, and direct access to everyday governance obligations, as the larger patrons are considered more successful. The new political elites hope that their party forms a majority in a province outside FATA or at the federal level so that the authority gained from being in power can be used by these local actors. The political parties have the opportunity to gain power across five provinces in Pakistan: Punjab, Sindh, Baluchistan, KPK and Gilgit Baltistan. In the

2013 general election the Pakistan Muslim League (Nawaz) (PML(N)) emerged as the largest party. The PPPP took power in Sindh, and the PTI emerged victorious in KPK. Once a political party gains power, its political actors are better positioned to take advantage of the party's influence over the administration of FATA and for development funds. Once development funds are allocated and the money used for projects such as gas and electricity supply, the candidate's legitimacy seems to be strengthened.

Formal access to senior party-political positions is influenced by a candidate's financial status. However, for some political actors, association with a political party is significant enough to compete with rich and powerful independent candidates. Khan Shaid, a millionaire, gained a direct party ticket for PTI to contest the 2013 general election. He told me that, while he has been attracted to the charismatic influence of the PTI's chairman (the former cricketer Imran Khan), the candidate used the party to benefit from its growing popularity in the region (Khan Shaid, interview, 17 October 2015). Similar to Khan Shaid's case, the other political parties new to FATA prefer to allocate senior posts to candidates with money and an established social status, i.e. social charisma and local influence, because the parties prefer an 'electable' candidate who has the required means to win an election. The candidates position themselves for party leadership as candidates able to win an election. In section 5.6 below, I discuss how money, social welfare and pacts among local elites are the three most influential channels to gain power. However, I first gain an understanding of how significant an opportunity the PPA has been for the political actors to rework the basic power and relationships in the region.

5.3 The PPA's Influence on Leadership in FATA

The 'open' electorate in FATA is a procedural change that has created a political space for new elites to enter the political landscape, and assert their legitimacy and authority. In this section I discuss, using election statistics, how successful the PPA has been in terms of changing the political leadership landscape in FATA. In particular, I discuss how the political reforms have increased the presence of political parties and altered the dynamics of political competition.

When I started my fieldwork, I began by analysing the website of the Election Commission of Pakistan (ECP) to examine the impact of political parties in FATA. I noticed that, compared to previous elections for the National Assembly, the 2013 elections saw an increase in the number of candidates contesting for political leadership. Evidence from the early phase of National Assembly elections in Khyber Agency (Table 3) suggests that the elections were contested by fewer candidates, not more than three or four

per constituency, with the vast majority being *Maliks* and the only exception being a single rich individual.

Table 5.1: Selected Election Results in Khyber Agency: Limited Adult Franchise System

1985 General Elections				**1990 General Elections**		
Name	Profession	Votes		Name	Profession	Votes
Waris Khan	*Malik*	1,035		Haji Muhammad Ayub Afridi	Businessman	2,080
Nadir Khan	*Malik*	877		Nadir Khan	*Malik*	794
Haji Shah Jee	*Malik*	811		Ali Akbar	*Malik*	48

Source: Election Commission of Pakistan website (www.ecp.gov.pk).

As illustrated by Figure 10, the *Maliks* had a strong hold over the electoral processes. *Maliks* had overriding powers to elect a National Assembly candidate via a limited franchise system in FATA. This voting arrangement was known locally as the 'lungi vote', as candidates in these elections competed to gain the loyalty of *Maliks*, and their junior cadre – the *Lungi* holders – in their constituencies. In the following years, the political changes in FATA weakened the hold of *Maliks* in leadership for National Assembly elections.

Figure 10: Voting Rights, Trends and Patterns in Changing Political Settlements

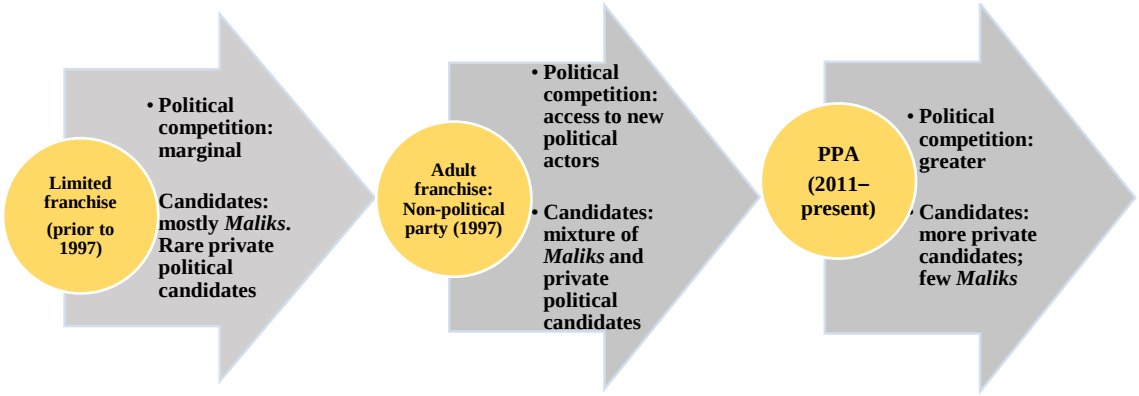


Figure 10 shows that in 1997, after the universal adult franchise was implemented, the system increased access to political candidates other than *Maliks*. The election trends show that political candidates included both the *Maliks* and other political elites with no links to the *Maliki* system. In 2008 some 184 candidates took part across eight constituencies in FATA, all as independents. An

independent candidate is an individual politician who is registered at the time of election, with the Election Commission of Pakistan, as having no affiliation with any political party in Pakistan.

The introduction of political-party system has created greater competition in FATA. In the general elections of 2013, a total of 16 political parties took part in the National Assembly elections spread over seven agencies and 11 constituencies.[61] From the Election Commission of Pakistan website, I calculated the participation of a total of 77 political-party candidates, while roughly 75% of the candidates ran as independents. A total of 339 individuals took part (ECP, 2013, p.66) with the vast majority being new political elites, and the number of *Maliks* participating decreasing. The *Maliks* often participate in general elections as independent candidates, the only exception being the association of very few *Maliks* with political parties, whilst maintaining the *Maliki* position. Table 5.2 lists the winning candidates in the 2013 general elections.

Table 5.2: Winners in 2013 General Elections, FATA (by Constituency)

Constituency	**Winning candidate**	**Political party**	***Malik***
Mohmand (NA-36, Tribal Area-I)	Mr Bilal Rehman	Independent	Family links
Kurram (NA-37, Tribal Area-II)	Mr Sajid Hussain Turi	Independent	Family links
Orakzai (NA-39, Tribal Area-IV)	Syed Ghazi Gulab Jamal	Independent	Yes
North Waziristan (NA-40, Tribal Area-V)	Mr Muhammad Nazir Khan	Won as Independent. Later joined PML (N).	No
South Waziristan (NA-41, Tribal Area-VI)	Mr Ghalib Khan	PML (N)	No
South Waziristan (NA-42, Tribal Area-VII)	Mr Muhammad Jamal ud Din	JUI (F)	No
Bajaur (NA-43, Tribal Area-VIII)	Mr Bismillah Khan	Independent	No
Bajaur (NA-44, Tribal Area-IX)	Mr Shahab ud Din Khan	PML (N)	No

[61] Parties included national political parties such as Pakistan Muslim League (Nawaz) (PML(N)), Pakistan Peoples Party Parliamentarians (PPPP), Pakistan Tehreek-e-Insaf (PTI), Awami National Party (ANP), Jamiat Ulama-e-Islam (Fazl-ur-Rahman group) (JUI-F), Jamaat *Ulema*-e-Islami (JUI), Qaumi Watan Party (QWP), Pashtunkhwa Milli Awami Party Pakistan (PkMAP), Pakistan Muslim League, Tehreek-e-Ittehad Ummat Pakistan, Pakistan Tehrek-e-Inqalab Mutahidda, All Pakistan Muslim League (APML), Muttahidda Qaumi Movement (MQM) and some Tribal area-specific parties such as Mutahida Deeni, Mahaz Qabail Party and Tehreek-e-Tahaffuze Pakistan.

Khyber (NA-45, Tribal Area-X)	Alhaj Shah Jee Gul Afridi	Independent	No
Khyber (NA-46, Tribal Area-XI)	Mr Nasir Khan	Independent	No
FR Peshawar (NA-47, Tribal Area-XII)	Mr Qaiser Jamal	PTI	No

Source: Election Commission of Pakistan website

Unlike the previous electoral trend identified in Table 5.2, the 2013 election saw the rising participation of new political elites in the elections, and their electoral success in the FATA political arena. In 2013, a number of political actors joined political parties to enhance their political support at local level. Overall, the association of candidates with political parties produced mixed results (Table 5.2). Out of 11 constituencies, four political-party candidates were successful, including two from PML-N and one each from PTI and JUI-F.[62]

Among these candidates are four types of profile and origin: (a) *Maliks* or candidates with extended family links with the *Maliki* system; (b) the land-owning elite class with a broad level of local influence and networks; (c) political-party affiliations; and (d) religious following. Table 5.2 shows that only one *Malik* (Ghazi Gulab Jamal) was successful in the general elections across FATA. Jamal is a doctor by profession, and is known to be very influential in his area, owning factories and with a strong connection to bureaucracy and the military. Moreover, two candidates in the list have indirect links with the *Maliki* system: Bilal Rehman and Sajid Hussain Turi. Bilal is considered a powerful political candidate in his constituency and has competed in a number of elections. He derives his political power in a number of ways. First, his father is a *Malik*, and he can therefore count on support due to influence in the community. Second, the family is rich, with its prime source of income understood to be construction contracts. Third, the candidate has strong political connections in the bureaucracy, the military, and political parties.

In FATA, the source of political power is also accumulated from means other than direct or indirect connections with *Maliks*. The candidates identified in Table 5.2 with no *Maliki* links are of two types: (a) the landed elite class and (b) middle-class citizens affiliated with political parties. In the landed elite class, two candidates were successful. One, Bismillah Khan, is an influential person in Bajaur, locally known as '*Nawagai khan*'. This title refers to a land-owning elite family in the Nawagai area of Bajaur. His son, Shaukat Khan, was the Governor of Khyber Pakhtunkhwa province during the PPPP

[62] In addition, the ruling party (PTI) allocated one of the seats reserved for women in the KPK assembly to a FATA resident, which was unheard of in the history of FATA politics.

government of 2008–13. Bismillah Khan has no known *Maliki* in his family, and the family's main source of authority is generated from income earned from the minerals business and strong political connections in the higher ranks of political parties, the bureaucracy and the military. The second candidate from the landed elite, Shahabuddin Khan, has no history of *Maliks* within his family and, similar to Bismillah Khan, has a greater amount of land holdings, the family is known locally as '*Khan of Pashat*' (elite of Pashat).

The third category of new elites emerging through the introduction of the PPA are individuals who have a strong attachment to a political party, but no business background or links to the *Maliki* system. Ghalib Khan has long been associated with PML (N). The general impression has been that this candidate has been rewarded for his services to the local community during the war on terror in Waziristan that began in 2003. (Some other local elites in the same constituency left the region during this time.) Jamal-ud-din's prime source of authority was drawn from religious votes and association with a religious party. The next section explores further the profile of new political elites and the ways they construct their authority.

Another cause of increased political competition is triggered by greater interest amongst citizens to participate in electoral processes. This is reflected in the number of registered voters from 2008 to 2013 and the overall turnout in support of political parties (see Table 5.3).

Table 5.3: Number of Registered voters and Voter Turnout, General Elections

	2008	**2013**
FATA registered voters	1,280,365	1,738,313
Valid votes cast	392,318	397,593
FATA turnout	30.37%	36%
National turnout (Pakistan)	44%	55%

Source: Election Commission of Pakistan website

Despite violence in the region, the overall voter turnout increased by roughly 5.4% – although this is low by comparison with the increase in Pakistan as a whole, which witnessed the highest-ever turnout. Analysts in Pakistan attribute the increased turnout to the participation of 'silent' voters – the youth, and sections of the community residing in rural areas. The chairman of PTI, Imran Khan – now a social activist – is credited with motivating and mobilising these silent voters with his slogans of 'good governance' and the hope of building a 'new Pakistan'. Political mobilisation campaigns in the rest of

Pakistan had an impact on the political participation of citizens in FATA, particularly women and youth. Turnout among women increased from 27.7% in 2008 to 41.1% in 2013 (FAFEN, 2014, p.188). Table 5.4 shows a greater level of citizen support for political parties than for independent candidates.

Table 5.4: Votes cast for Political Parties in 2013 General Election in FATA

Total valid votes cast	Total number of votes for political parties	Percentage of votes for candidates of political parties
558,246	229,019	41.02%

Source: Election Commission of Pakistan website

Table 5.5 illustrates the voter turnout in selected constituencies where the support for political parties was observed to be greater than for independent candidates.

Table 5.5: High Voter Turnout in Selected Constituencies

Constituency	Valid votes cast	Total votes polled in support of political parties	Percentage of votes cast for political party candidates	Winning candidate's name	Affiliation of winning candidate
NA-44 (Bajaur, Tribal Area-IX)	58,959	47,055	79.80%	Mr Shahab Uddin Khan	PML (N)
NA-47 (FR Peshawar, Tribal Area-XII)	48,139	29,760	61.82%	Qaisar Jamal	PTI
NA-43 (Bajaur, Tribal Area-VIII)	42,901	23,227	54.14%	Mr Bismillah Khan	Independent
NA-40 (North Waziristan, Tribal Area-V)	77,113	41,004	53.17%	Muhammad Nazir Khan	Won as Independent. Later joined PML (N).
NA-42 (South Waziristan, Tribal Area-VII)	12,649	6,641	52.50%	Mr Muhammad Jamal ud Din	JUI-F
NA-39 (Orakzai, Tribal Area-IX)	47,602	23,014	48.34%	Syed Ghazi Gulab Jamal	Independent

Source: Election Commission of Pakistan website.

In Table 5.5, the votes cast in support of candidates of political parties in some constituencies are exceptionally high. Some respondents close to the winning candidate in NA-44 highlighted two key reasons for the high turnout. First, the political candidate had strong links with the top party leadership of PML (N). Second, the winning candidate had forged alliances with strong and influential local elites, a majority of them connected to the leadership of PML (N). The political support for the candidate was made possible after negotiations between the candidate and local elites by reaching an agreement that included the candidate participating in elections on the PML (N) party ticket.

Support for candidates of political parties varied across the FATA region. In some constituencies, the turnout was observed to be lower, such as NA-37 at 6.43% and NA-45 (Khyber Agency, my research site) at 25.03%. The Election Commission of Pakistan website (2013) reports the overall turnout of registered voters in Khyber Agency as 39.92%. Table 5.6 shows that, while the overall turnout in Khyber Agency was low, it showed an increase when compared to the previous elections.

Table 5.6: Voter Turnout in Khyber Agency

2002	2008	2013
21.9%	35%	39.92%

Source: Free and Fair Election Network (FAFEN) (2014, p.189)

The military operation in Tirah Valley of Khyber Agency is cited as one of the reasons for the low turnout, leading people to migrate outside the FATA region. Table 5.7 shows similar patterns of low turnout observed in regions affected by ongoing conflict.

Table 5.7: Low Voter Turnout in Selected Constituencies

Constituency	Valid votes cast	Total votes polled for political party candidates	Percentage of votes cast for political parties	Winning candidate's name	Affiliation of winning candidate
Kurram (NA-37, Tribal area-II	93,968	6,042	6.43%	Mr Sajid Hussain Turi	Independent
Khyber (NA- 45, Tribal Area-X)	69,541	17,407	25.03%	Alhaj Shah Jee Gul Afridi	Independent
Khyber (NA-46, Tribal Area-XI)	16,896	5,472	32.38%	Mr Nasir Khan	Independent

Mohmand (NA-36, Tribal Area-I)	53,017	17,056	32.17%	Mr Bilal Rehman	Independent
South Waziristan (NA-41, Tribal Area- VI)	37,461	12,341	32.94%	Mr Ghalib Khan	PML (N)

Source: Election Commission of Pakistan website

The discussions and illustrations of election numbers reflect that, where there is competition for power between the new political elites and *Maliks*, there is also competition amongst the new political elites themselves. Despite the fact that the political parties are new and, as shown in Table 5.7, they had considerable support (around 41% of the total vote), in some constituencies independent candidates continue to dominate the local political arena (see Table 5.8). In NA-36, for instance, while there was an increased vote for political parties, the independent candidate won the election.

Table 5.8: Election Trend Comparison for Constituency NA-36

	2008	**2013**
Total number of candidates	21	40
Political party candidates	0	8
Total number of votes cast	23,263	53,617
Turnout	18.15%	30.16%
Votes polled for political parties/ percentage of total votes	-	17,131/31.95%
Election winner (number of votes)	Bilal Rehman (Independent) 5,270	Bilal Rehman (Independent) 9,005

Source: Election Commission of Pakistan website

A number of candidates in my research constituency considered it risky to align with a political party as the general trend amongst voters towards political parties was unknown. In some areas of FATA that were experiencing a crisis over the political settlement, and where the militants had a monopoly over violence, there was a strong tendency to run as independent candidates. This is because the Taliban opposed some political parties, particularly the MQM, ANP and PPPP, throughout Pakistan. The militants blamed the policies towards them of these political parties when in power. The Taliban warned voters to stay away from these parties' election campaigns if they wanted to avoid the militants' armed retribution. The position taken by the militants created opportunities for those political parties who were

understood to have taken a softer stance on militants, particularly the religion-based parties. The religious parties secured almost half of the total votes for political parties in FATA.

By analysing results in the seven agencies in FATA, a snapshot of the electoral success and manoeuvring by political actors shows that, while the pattern of voting for political parties varied between each agency, the political parties made gains overall. In the following sections, I explore some key questions: Who are these new political elites, able to impose change in the pattern of local political settlements? In what ways do they mobilise people to emerge as successful leaders? What are the factors that enable local elites to unite with or compete against each other? What are the key features that shape the bargaining processes between local elites? To analyse the factors that enable the success of political elites in FATA, it is essential to examine a deeper level of politics, embedded in everyday life. First, I map out the heterogeneity of the new political elites who navigate through the set of opportunities in order to emerge as successful political actors.

5.4 New political elites

In the discussions above, it has been seen that the political reforms in FATA have produced a gradual weakening of political power for *Maliks*, making space for new political elites from the upper and middle classes to emerge. These new elites may or may not want to be called *Maliks*, but they are an emerging group of mostly young professionals who are generally urban-based and are trying to be seen at the same level as *Maliks* in terms of political significance. In this section, I discuss the features that shape the classification of new political figures as 'new'. Rather than demonstrating the emergence of political elites in FATA as a new phenomenon, I have concentrated on showing that the attributes of these political figures are familiar to the political discourse of Pakistan but new to FATA. What makes them new to FATA is that they have no links to the *Maliki* system. Equally, the FCR contained no mechanism to grant them easy access to leadership opportunities, due to the 'by-default' hereditary nature of the legislation's leadership structure.

Disgruntled by the lack of political and economic opportunities under the FCR, the new political elites began to explore alternative channels. A number of people started migrating to bigger cities in Pakistan and abroad. The worsening law-and-order situation in FATA forced further migration. In cities outside FATA, people began to take advantage of better opportunities in education, business and employment. Some of the political elites I interviewed derived their authority from diverse backgrounds, such as education, medicine, the law, social activism, small- and medium-sized business, large industry, and religion. As explained to me by Dr Ashraf, the head of the think-tank FATA Research Centre, exposure

to external political systems created political awareness amongst the population, significantly affecting the dependence on traditional authority. In explaining the relationship between changing socio-economic conditions and the ascendency of new power sources, he explained that the new political elites established direct relationships with the country's top political leadership, the NGO community, and wider sections of society. He clarified that, during the limited franchise system, direct access to political parties was often limited to rich entrepreneurs.

The introduction of the PPA brought greater political competition and provided more opportunities for candidates other than *Maliks*. The following sections will show that the PPA has changed the pattern of local social and political relationships. The openings for leadership opportunities under the PPA were taken up mostly by these new political elites as they began to take advantage by some associating with political parties and others running as independents. Being a local of the Pashtun region, and having experienced the political systems of Pakistan, I was not surprised to notice that rich businessmen were better positioned to succeed in National Assembly elections (see section 5.6 below for a more detailed discussion). The profile of some candidates was discussed in section 5.3, and similar new patterns of power structures were observed in my research constituency. In the constituency NA-45, Shah Jee Gul Afridi stood as an independent and emerged victorious with 29,697 votes. Shah Jee Gul belongs to the Afridi Kuki Khel, one of the dominant tribes in the Jamrud constituency of the Khyber Agency. It is widely known in the region that Shah Jee Gul is a billionaire industrialist and that his business interests are primarily in oil and transport. The general impression is that most of his wealth has been accumulated through a contract with NATO to deliver supplies to Afghanistan. In the 2013 election, notable competition for Shah Jee Gul emerged from a political party candidate, Khan Shaid Afridi, who was running on the PTI ticket. Khan Shaid's family (also from the Kuki Khel tribe, subsection Sikandar Khel) has been in the wholesale and retail textile business since the 1970s. The family relied on the Pakistan-Afghanistan transit route to import textiles from Afghanistan. In later years the Khan Shaid family expanded its business portfolio to include property, transport and fuel, with offices in Korea, Dubai, Germany, Japan and China.

Within the generally heterogeneous body of political actors, from multimillionaires down to party workers at the local level, there are different areas in which the political elites confront the traditional hold of the *Maliks* and the hereditary form of politics. As part of the structure of political competition under the PPA, local party-political workers are often seen supporting rich individuals in electoral processes. These individuals have a hidden agenda of their own, linked to either provincial leadership or the local governance council; but as a future strategy they are moving in other directions to promote

activities such as advancing further institutional reforms and participating in local governance duties on an informal basis. These are discussed below.

The dissemination of democratic values in FATA is aimed at integrating the region's population with the national politics of Pakistan, as well as creating a political awareness amongst the citizens. The political elites took an active part in political reform processes. A new dimension in the FATA political landscape is the competition faced by *Maliks* from these political workers seeking institutional change. The political actors aspire to take advantage of the PPA to enhance their political and social profile. During the workshops I attended on FATA reforms, I observed (and *Maliks* complained) that many NGOs engaged more with the new political elites over political reform processes by inviting them to their conferences. The political elites collectively used different collective efforts to impose further political reforms. These included spreading awareness in the FATA community about political reform and using networks of contacts established with the media, politicians and civil society. On the one hand, the collective effort by the new political elites spread a strong message of unity, but on the other it is also an attempt to compete with the *Maliks* so as to gain political recognition.

At the local level the political party workers continue to push for political recognition. Here, I classify these people as those individuals (mostly low-income to lower-middle class) who hold a formal political or administrative position within the political parties. I also include registered or unregistered members of a political organisation who promote the position of a family member or friend, seek leadership positions, or are loyal to a political party ideology. During my research, I interacted most with political workers residing in FATA. I saw them taking control of governance duties at the political administration office, an arena dominated by *Maliks*. As volunteers, the political workers assist citizens in day-to-day governance duties, as they are tasked to strengthen the position of their respective political parties or independent candidates. In the next section I attempt to explore why the new political elites are involved in competition for leadership opportunities under the PPA rather than the FCR.

5.5 Motivation to Access Political Leadership under the PPA

Following the extension of the PPA, the local political arena in Khyber Agency has become home to a complex web of interrelationships between local political actors to emerge as 'the most powerful'. I was given a variety of different factors that motivated individuals to take up leadership opportunities under the PPA. In particular, two significant aspects emerged from the data analysis, covering social, economic and political angles. First, the PPA provides greater powers for political actors compared to the FCR. One way of deriving power under the PPA is by gaining access to state resources, generally by establishing connections with political parties outside the FATA region that may use their influence

over the political administration. In the following sections, I will describe what it means to the new political elites to have these kind of powers, and how essential the PPA is to establish political legitimacy and authority. I also emphasise how developing these relationships is also driven by political and economic opportunities for the local elites. The second aspect is related to the power dynamics within the social organisation of FATA. The PPA is seen by some political actors as an opportunity to develop a political base to counter the pressures of patrilineal competition – 'my patrilineal cousin is a tribal leader' – so not taking advantage of the PPA is considered a missed opportunity.

5.5.1 Greater Political Connections

The PPA has strong mechanisms to provide opportunities for local actors to establish political connections outside the FATA region. Prior to the extension of the PPA, access to these connections was available to a limited number of political candidates. Connections were often developed by *Maliks* and non-*Malik* rich and influential individuals with political parties that had the potential to take power at the federal or provincial level. Following the introduction of the PPA, access to national political party connections became available to a wider section of society. In a sense, the opening-up of the political landscape has produced (as one of my respondents put it) a 'competitive market-like structure' in which power has shifted to another layer of new elites who take advantage of the competition between political parties. Since the parties are in the early stages of institutionalising their structures, the new political elites are beginning to negotiate for recruitment opportunities in all the Agencies in FATA. In the process, connections are developed with political figures outside the FATA region, where both the political parties and the new political elites negotiate for settlements.

In section 5.2.1, I discussed class-based entry points for political actors where rich candidates were better positioned to gain senior positions within political parties. I extend some of that discussion here by indicating that access to connections with senior political figures outside FATA is often available to rich political candidates. Political workers working for these rich candidates also have opportunities to develop connections with their opposite numbers in political parties outside FATA. At the local level, connections outside FATA for political workers are generally developed through organised party meetings. Once inside a political party or organisation, the political actors organise weekly or monthly meetings at the regional level. In these meetings governance needs are identified and suitable plans are formulated to advance the position of their party members and community overall to the top leadership. Often, the senior position holders within a political party organise meetings with FATA cabinet members, and later the FATA leadership with the cabinet of the national government. In these meetings the political actors interact with political party leaders from other provinces of Pakistan.

There are other avenues for political actors to build on their interactions with political parties. Some have established contacts with political parties while participating in the political reform process. Others have been ideologically linked to political parties, e.g. the Pashtun nationalists naturally leaned towards other nationalist parties and those with strong religious affiliations towards religious parties. Amongst these, some candidates had a long-term affiliation with political parties due to activity in student union politics while studying at education centres in Khyber Pakhtunkhwa province, or at the local college in Jamrud *tehsil* of the Khyber Agency. Some political candidates claimed they had family or direct links to the leadership of a political party.

One of the key motivations for political actors to use the PPA platform is that it is considered a stepping stone to achieving influence that is useful in gaining political legitimacy and authority. The new political elites understand that the PPA has more powers attached to it than the FCR. While the *Maliks*' power has been exercised within a limited geographical area, i.e. in one or more communities, an elected Member of the National Assembly (MNA) has the opportunity to interact with politicians, the business community and state officials from other parts of Pakistan. One of my respondents (whose father had remained a *Malik*) chose to distance himself from 'official' *Malik* governance duties because of the superior benefits of other political systems compared to the FCR. Latif Afridi, a prominent lawyer in the Peshawar High Court, told me that his father used to receive perks from the political administration. In his words:

> I used to engage in discussions with him [the father] sometimes and he told me once 'see, I am sitting here and I get my share of 8,000–20,000 rupees [roughly £55–£140] per month while doing nothing'. He used to have a share in permits and transports. When he passed away, we left that altogether. Even if someone tries to send his share, we don't accept it. My father had his own *khassadars*. Even now, due to my father we have around six or seven *khassadars*; some are doing their duty, and some are not. (Latif Afridi, Interview, 22nd February 2015)

A *de facto* representative of the political actors in state- and NGO-led FATA political reform conferences, Latif Afridi is pointing to the distribution of benefits the *Maliks* enjoy under the existing institutional set-up. In explaining this, Latif Afridi emphasised to me that the PPA comes with a different set of incentives for political actors, reflecting the accumulation of authority through greater political connections. Latif Afridi holds a senior position in the Awami National Party (ANP), a national political party in Pakistan with Pashtun nationalist tendencies. Other respondents told me that his affiliation with the ANP gained him the presidency of the Peshawar High Court Bar Association, and he was a Member of the National Assembly (MNA) in 1997–9. Latif Afridi went on: 'The political agent has to take care of me, thinking I have some value' (Latif Afridi, Interview, 22nd February 2015). As shown in this

example, my informal discussions with local political elites suggest that they want to be part of a bigger network. Other political elites are also working on their connections with political parties to create a 'snowball effect' to provide opportunities to gain greater authority and develop relationships across different institutions in Pakistan. I discuss below in what other ways these connections may be useful for political elites in FATA.

5.5.2 Political and Economic advantage

Political connections outside FATA may be used to advantage in a number of ways. In most cases, these connections are used for public service or personal interests. I discuss both. The new political elites view the leadership opportunities under the PPA as a platform to position themselves as suitable patrons. As such, they must help citizens in dealing with routine matters at the political administration office. An example of the significance of political connections outside FATA for local actors is reflected in the following account. Jihad Shah, the JUI-F Information Secretary, told me:

> There was an issue with one of my friends, *Jirga*. The issue wasn't getting resolved. He was facing a lot of problems as a result. I had even contacted the political administration about it. We then referred it to our provincial leadership in Khyber Pakhtunkhwa. We presented it to our Amir [party head] in Khyber Pakhtunkhwa province. … They then made contact with the governor on the issue. They took time from the governor, and then the governor made a phone call to the political agent. And now I can say there is a lot of positive development over the issue. (Jihad Shah, Interview, 31st August 2016)

The legitimacy of political elites is strengthened by their ability to support clients. This enhances their client base and develops a voter base for the patron. In the absence of provision of such services to their clients, the political actors are left marginalised to assert their own legitimacy. An important role for the political party representatives in supporting clients is to solve the latter's problems with the political administration. I have observed in my fieldwork that the political administration is beginning to give equal value to political party representatives as to *Maliks*. In particular, access is given to those representatives who approach the administration through higher party leadership. In one instance during my visits to the Assistant Political Agent's (APA) office, I observed a party representative engaged in a dispute between two parties related to car documents. When I asked the APA who the administration gave preference to in such disputes, I was told that both parties were given equal value on matters related to the public interest. The inclusion of political elites in the governance domain has ignited a competition between the *Maliks* and the new political elites. In a sense, this represents a shift from a traditional structure towards a situation where there is competition, i.e. the *tehsil* has become an avenue for the people to judge the performance of local actors. This has given citizens a choice to use the service of both the *Maliks* and political actors. While the main factor for local actors in developing a

wider range of relationships is to be seen as a suitable patron, in addition to public service these relationships also serve as appropriate gateways for political and economic opportunities, as pointed out by Barth (1959).

My respondents informed me that networking channels outside FATA have opened up business opportunities for political actors. The new political elites have the potential to influence bigger deals, depending on the nature of negotiations. My respondents told me that, after Shah Jee Gul won a seat in the general elections, he used his money and power to nominate his brother to the Senate. For the family, this became an additional avenue to develop connections in the Senate. My respondents thought that such relationships brought with them significant opportunities to protect a candidate's political and economic interests. This became clear when I visited a senior political figure and came to know that his family had established links with multiple offices, the business community and politicians across Pakistan. Candidates have also used their positions of authority to influence business deals in their favour.

5.5.3 Hereditary Rivalry and Cooperation

We have looked at attempts made by the new political elites to secure power, in which attaining leadership positions seems to be the main source of authority in the FATA political landscape. In this section I explore the impact of hereditary rivalry and cooperation on the political choices made by political actors. Prior to the extension of the PPA, traditional values in FATA had been about family unity, and any aspirations for political leadership were thwarted and supported by traditional values and structures; 'if my clan member is a leader then I should not stand, as this threatens unity'. The influence of the PPA has imparted a 'democratic' culture, in the sense that accessing political leadership and political competition is becoming an accepted norm in FATA society. At *tehsil* I often encountered *Maliks* and political elites with patrilateral relationships, despite which each used his respective, different position to conduct day-to-day governance matters.

The notion of hereditary or agnatic rivalry and cooperation is not new to FATA; Ahmed (1980) introduced the concept in the region's social organisation, and noted that patrilateral competition and cooperation dominates the establishment of power politics there. The general perception developed in FATA has been that preferential treatment is extended by the tribal elders to those immediate family members who are on good terms with each other. The *Maliks* cooperate with them over dispute resolution, allowances, land issues and matters pertaining to the political administration. More recently, under the PPA alliances are being developed to garner support for a political candidate. However, political competition between agnatic relatives is triggered by family disputes, land issues, power and

status, judicial matters, inequalities in the distribution of employment opportunities, and development funds allocated to the Tribal elders by the political administration under the FCR. Overall, I observed that the influence of agnatic competition, though important in the political leadership of FATA, varies depending on the nature of inter-family disputes over land, rights and citizenship. In general, the level of cooperation is high, some families having achieved some sort of consensus over these issues, while in families experiencing high volatility the competition is strong. In the words of one of my respondents:

> I had some cousins who wouldn't do things for me at the political administration office. [This is disturbing] because I thought with *lungi* one could help one's relatives and serve the people of one's own tribe. (Interview (respondent requested anonymity), November 2014)

Some respondents often cited agnatic rivalry as a factor influencing the decision of political elites to join political parties and to confront those family members who are *Maliks*. When I asked one of my respondents, who had abandoned a small-scale business in the Middle East, what motivated him to relocate to FATA, he replied:

> I had no other choice. Here we got entangled in an issue [an enmity or agnatic tussle]. I am the senior of my siblings, and my father is very old now and can't work. … I had to come home to bring stability to the issues, which were intense in nature because there was bloodshed in the conflict. (Interview (respondent requested anonymity), November 2014)

Intra-family enmity is taken seriously by the people of FATA, where the male members of a family take extreme measures to respond to the actions of the opposing party. As was confirmed by several respondents, some family members who experience an unequal distribution of status and power under the FCR feel compelled to take desperate measures. This happens in situations where a clan member dislikes the officially nominated *Maliks,* and their connection with the political administration puts them in a stronger position. In such instances, most people explore avenues to gain more authority to counter the growing power of agnatic rivals. In the past, people who had no official *Maliki* status were motivated to take up a leadership position under the FCR. However, accessing leadership positions under the FCR was difficult, because (a) the positions were hereditary, (b) leadership was normally transferred to the elder son, and (c) it involved developing numerous relationships in the community and political administration, and high-level contacts in the military or with ruling political parties. Moreover, multiple strategies were adopted to influence the political administration to achieve a tribal elder nomination. This included the person's financial status, welfare activities, showcasing skills in local dispute resolution, mannerisms, ability to manage violence and, most importantly, persuading the political administration to replace the line of hereditary transfers.

With the extension of the PPA, family members now have a platform to access multiple leadership opportunities, unlike under the FCR. The PPA has generated political competition and cooperation within clans, and the intensity of agnatic rivalry or cooperation is observed to be increasing, though at a marginal rate, as the clans remain divided over support for political parties.

Welfare activities, political connections and so on are generally needed by political actors to establish themselves as leaders under the PPA. However, the PPA requires candidates to gain the loyalty of a wider circle of clients. The next section examines the strategies used by the new political elites in order to secure a constituency of loyalty, which is an important electoral asset.

5.6 Securing Loyalty

In FATA, loyalty has traditionally been achieved through reciprocal relationships, which are associated with clientelistic mechanisms. In this section, I explore how the new political elites are trying to win legitimacy and the loyalty of their clients. Politically, it is difficult for a candidate to build or sustain legitimacy without having followers. The political elites gain followers by providing them with benefits in order to receive support. These days, part of the issue is the need for money to feed into the system to pay for this loyalty. In this section I emphasise that rich political candidates are using traditional processes of legitimacy in order to secure the loyalty needed for political viability and stability. As noted in section 5.3, a simple political party association does not guarantee success for local actors in FATA. A number of attributes are important in determining the success of political elites, including the candidate's profile, economic status and social standing. One of the additional significant features in the FATA political landscape is the excessive use of money by rich and powerful political figures. This is triggered by increased political competition, as the extension of the adult franchise requires candidates to gain the loyalty of a wider voter base. In the FATA political arena, money plays an important role in establishing political careers. However, possessing money is in itself not a sufficient variable to determine a candidate's success; but his social persona and social work are also considered, and having money is thus crucial in order to fulfil local obligations. This is an ongoing process and not limited to electoral activity. The culture in FATA encourages the use of personal relationships, networks and alliances by local actors as a strategy to establish their authority. In the following subsections I discuss the three key interrelated factors required to obtain loyalty: money, social welfare and pacts with the local elites.

5.6.1 Money

> … there was such an open spree of money being spent [during elections] that it was even beyond our imaginations. (Interview (respondent requested anonymity), 13th November 2014)

The views expressed by this anonymous respondent reflect the level of surprise generally shown by the citizens of FATA at the influence of money, as the region had not been accustomed to money being used on such a scale during the general elections. These views also show that some political candidates were ill prepared or ill equipped, as I will explain below, to compete for election. In the past, during the limited franchise period, the region experienced a traditional type of clientelism involving 'negotiations' between political candidates and a limited number of *Maliks* and *Lungi* holders. The limited franchise elections were considered an 'auction rather than an election', with Tribal elders considered 'sellable commodities in the political arena' (Rahmanullah, 2012, p.4). The use of personal money is considered normal activity in the Pakistani political arena, but following the introduction of the PPA there are greater amounts of money in play as political candidates seek to persuade wider sections of society, and greater political competition.

All the political actors, including new political elites and *Maliks*, use their own money for their election campaigns. The official limit set by the Election Commission of Pakistan (ECP) is 1.5 million rupees (about £10,500) per candidate in National Assembly elections (Wasim, 2013). To promote good conduct and a level playing field for each candidate, the ECP put mechanisms in place to monitor election expenses. All candidates were required to enter the expenses with General Sales Tax (GST)-registered firms (ibid.). Although there are formal rules on the maximum amount of money to be used, my research analysis suggests that these are broken in various ways by wealthier candidates and people with connections. Every respondent I spoke to agreed that excessive use of money is 'the new name of the game', and it is important that when a candidate gives money the citizen has to return the favour by voting for him. When money is handed over around election time, this is what people expect – there are obligations, and there is pressure to meet them.

In this sense, the use of larger amounts of money gives some candidates an advantage over others. Some candidates fast-track their political progress by using excessive amounts of money through informal practices. One example given to me by a respondent, which echoed the narrative of most of my respondents, shows the practices with which rich political elites had an advantage in securing loyalty. Pointing towards the excessive use of money by the winning candidate Shah Jee Gul, another respondent Bilal said: 'He distributed boxes full of money among the Zaka Khel tribe, which has around 13,500 votes' (Bilal, Interview, 4th October 2014).

This statement shows that some candidates are using excessive amounts of money, they also have strategies to influence a section of electorate. In this particular case, Shah Jee Gul allegedly distributed money within a specific clan, using the services of both *Maliks* and political workers who were influential and produced a greater number of voters. I elaborate further on such strategies below, where I show how the excessive personal money is used in social work and pacts with local elites.

Since the introduction of the PPA, running for election has become an expensive exercise, beyond the reach of the poor sections of society. One thing that poorer candidates have in common with richer ones is the level of grievance created by the use of more money. Poorer candidates understand that the use of more money does not provide a level playing field, and they often complain against the practice. In my interviews and discussions with lower- and middle-class political actors, I was told that it is difficult for them to compete with rich political figures in elections for the National Assembly. Hazrat Wali, the president of PPPP, who I met in the Khyber Agency, told me:

> … I belong to a poor family. I cannot be considered rich. I spend time the way a common tribal man spends it. I do not have that many resources. … in this system only the capitalist gets elected. … Who gets elected? The person who has ancestors that have remained *Maliks*. (Hazrat Wali, Interview, 16th October 2014)

Wali is showing how a political party system that should be designed to provide an open access competition, has in fact been controlled by two types of local elite – businessmen and *Maliks* – who are able to dominate the field through the use of money and by means of traditional authority. Wali, who identified himself to me as a poor man, has been associated with the PPPP since his college days, when he was active in student politics. The PPPP had been targeted by militants and there had been little demand for party positions and tickets in the Khyber Agency. I was told by numerous respondents that citizens were reluctant to either vote for, or take an active part in the activities of, the PPPP in the region for fear of being targeted by militants. Low support for the PPPP enabled Wali to receive the party's allocation of tickets. In the case of other political parties with greater support, there was a financial value attached to the allocation of party tickets. In the case of political parties with high levels of support, there is higher demand for the allocation of party tickets. Thus the FATA region is experiencing similar patterns of politics to Pakistan in general. Candidates are expected to contribute to 'party funds' in order to obtain a party ticket (Javaid, 2010).

Candidates such as Wali used the discourse of 'party ideology' to gain votes. When I asked him about the strategies he used during elections, his reply was concerned with the morality of the political system:

> I have developed the opinion that if I am running in the elections it should not be based on capital. … if I am running in an election, then it should be based on ideology. Whenever … I am able to impart this ideology to people I would consider this as my election victory, and my moral victory. (Hazrat Wali, Interview, 16th October 2014)

Wali rested his hopes on people recognising the efforts made by the PPPP for political reforms in the FATA region. Wali, who is in the early stages of a political career, believes that with increased awareness the political party ideology will be recognised at the local level. In my fieldwork, I observed that most political figures with an economic status similar to Wali act as subordinates (or political workers) to richer political candidates, hoping that the extension of the PPA will lead to a provincial assembly and local council in FATA. During my discussions with a number of political workers, the provincial assembly or local council was believed to be the right avenue for these candidates, as they understood there would be less competition from the rich elites, and therefore less money needed to achieve success in local council elections. In this way, political workers associated with political parties and with independent candidates position themselves to compete for political leadership at the local governance level, through the assistance of their newly developed patrons, i.e. the rich political figures. This is also done by demonstrating good performance while conducting routine party activities.

Some key features identified below demonstrate how money is being used during elections. The local party leadership and political elites use their own money to conduct political rallies (e.g. on party banners, food, stage set-ups and transport) and for advertisements on TV, in newspapers etc. In most cases the political elites are expected to disburse the funds related to party activities through the political worker. Some political elites observed that their expenses were getting higher as these funds created an opportunity for rents for political workers. In their day-to-day duties, it is expected that political workers will mobilise individuals during political gatherings so as to promote the candidate in the region. Often the party head or aspiring candidates are expected to contribute towards organising political gatherings. The political workers spend a small fraction of their personal income on petty expenses during political gatherings. The expenses incurred on these events are gathered through party or group fund collections at the local level. The political workers organise rented vehicles to take people from their homes to the political gathering. It is performance in areas such as this that is noted by the candidates, and these political workers are then rewarded in multiple forms, through either employment, development contracts, or positions in the party.

Other than the money transferred from the rich political elites, local political workers incur expenses in a number of ways, for example paying regular visits to the *tehsil* to assist people over everyday governance matters on an informal basis. The local political worker has first-hand interaction with the

people and staff of the *tehsil* office, who tell them what is needed; this information is then passed to the higher leadership. Most needs are related to development work and social welfare, as will be explained in the next section. Further expenses are incurred on transportation. As a tactic to increase the pool of voters, the political parties mobilise their party workers to register voters in their constituency. There are some voters who become eligible to vote, others are not listed, while some are registered in a different constituency. Citizens are helped with their identity cards and voter registration. The overheads incurred are normally paid by the rich local leaders; the political workers also spend some of their own money in the registration process, but they normally coordinate with senior leadership to report on progress.

Money is also used in social work and pacts with local elites, using a mixture of old tactics (*Maliks* had been engaged in small-scale social work) and new ones (local pacts for citizens' votes) that are necessitated by the new political landscape. I discuss each of these below.

5.6.2 Social Work

In Khyber Agency, people expect the political elites to carry out social work. A person engaged in social work is considered 'kind' and someone who shows local connectivity. Social work includes citizens' expectations that the local elites will help them in multiple arenas, such as:

(a) participation in private events such as funerals, weddings and childbirth.

(b) personal monetary contribution for the provision of basic facilities in health, education, development needs and basic welfare; and

(c) assistance in dealing with the political administration office.

Prior to the extension of the PPA, social work was a key attribute in the *Maliks*' efforts to gain loyalty, but is used to a greater extent following the increased competition between political actors.

People in FATA value social participation, i.e. the presence of senior dignitaries at events adds value to the occasion by displaying the host's social standing and accumulation of social capital over time. Social participation is reciprocal; it strengthens relationships and signifies the political actors' ability to demonstrate their ability to reach out to local people – an attempt to hold power. In return, it affirms people's trust in the political actors' representation at local level. It is an avenue for people to gain access to political actors; it provides an opportunity for people to expect help from the political actors in their everyday issues. I have observed on various occasions that politicians engage in 'networking' related to the provision of basic social services; either the political actor uses his/her personal connections, or party workers are directed to assist the citizens. My respondents told me that social

participation does not guarantee a vote, but its absence significantly reduces a political actor's chances of success unless tempting citizens with significant social service benefits.

It is also expected that the political actors will spend money on social and development work, whether on individual cases or at a collective level. Here too, the rich political elites are better positioned to take competitive advantage. One respondent (who wished to remain anonymous) told me that during the elections in 2013 he had spent around 2.5 crore rupees (about £175,000) on political lobbying, on social welfare including cash grants, medical needs, admission to education, construction of water tanks, mosques and madrassas, and donations of land for the construction of a hospital. Development needs are identified to the rich political elites by the political workers, in particular in those areas where there are greater opportunities to gain voter loyalty.

Moreover, the PPA has effected a greater variation in and scale of clientelistic distribution. Competition within local elites enables them to find innovative ways to garner support. In Khyber Agency a new dimension has been added to the nature of clientelistic exchanges involving the political actors extending small- and medium-scale loans to clients. According to my respondents, Shah Jee Gul derives his authority by using his personal income to extend small-scale financing and charity work. Some candidates extend small-scale loans to individuals to establish businesses. Many residents in Khyber Agency are dependent on the transport business and make use of the Pakistan–Afghanistan transit route. With the income that Shah Jee Gul generates, he runs an unregistered informal 'private bank' – he provides loans to individuals, charging interest, and also provides car financing (some respondents claimed around 600 cars to date, others more than 1,000). I was told during my fieldwork that a lot of people are still in debt to him, and therefore obliged to vote for him. The general impression is that, in the event that people fail to give political support to the candidate, the individual risks a breach of the 'informal' contract. Other local stories suggest that the rich political candidates have strongmen who act as private bailiffs to ensure the return of loans etc. In Chapter 7, I will detail cases such as this to demonstrate how clients' political choices are limited by the excessive use of clientelistic exchanges by patrons to gain political support.

5.6.3 Local elite pacts

One key area in which political actors are keen to secure legitimacy is by tracing their identities, and mobilising political support from within their respective clans through identity politics. In Chapter 6 I will describe the dynamics of local elite pacts as I examine the role of local elites in the strategic alliances or fragmentation at the local level. In the current chapter, I describe only the nature of local elite pacts as generally used as a bargaining tool by political elites to reach out to citizens and secure legitimacy.

Local elite pacts generally occur between new political elites and other influential private individuals or with *Maliks*; I refer to these collectively as local elites. Often, political candidates engage in negotiations with local elites that are reciprocal in nature. The relationship is dependent on the ability of local elites to accumulate votes, in return for personal favours granted by the politicians. The influence of local elites is judged by voter strength in the constituency and the ability to persuade the voters. Local elites with significant influence over voters have a greater chance of getting a better deal. My respondents sarcastically (and bluntly) termed the reciprocal relationship as a laissez-faire, 'market'-like condition with a price tag on local elites – i.e. a competitive market with no government involvement. There is competition between political candidates to forge alliances with the local elites. Even the *Maliks* act as independent brokers in some cases, and are open to negotiations with other candidates. Often, some candidates including new political elites and *Maliks* both run in elections to demonstrate their authority by accumulating votes – thus gaining authority that could potentially be used in future negotiations. Others withdraw their nomination (depending on negotiations) in favour of other individuals during the general elections.

The amount disbursed amongst local elites varies depending on the nature of negotiations with individuals. Negotiations are generally about cash advances (or bribes), development projects and/or contracts, employment for friends or family, or a combination of all these. According to most political actors and *Maliks* I spoke to, Shah Jee Gul spent millions of rupees during his 2013 election campaign. He approached most local elites by visiting their *Hujra*. During these visits, the candidate would engage in two different types of discussion. One, held openly in the presence of others, was related to the resolution of day-to-day governance issues. The other, a private discussion between the politician and local elites, was held indoors. One of my respondents explained the type of exchanges that take place during such private negotiations:

> the candidates would ask for votes in return for personal gifts to the elders such as [a] car, money, and also the promise of hospital and tube well to the community. In addition, the *Maliks* were promised employment [a quota] in local law-enforcement forces [*Khassadars*, Levies and scouts]. (Interview (respondent requested anonymity), 19th November 2014)

This statement highlights that access to public goods and other favours for local elites is negotiated via informal practices. My respondents claimed that the politician used his influence to recruit the close relatives of local elites in the Levi and *Khassadar* force. In return, the local elites, particularly the *Maliks*, mobilise local social ties so that support is given to a political candidate. The local elites persuade people by making promises about perceived benefits a candidate can bring once in power.

The nature of ethnic loyalty in Khyber Agency is not primitive and static; rather, clan members are rational and emotional actors and loyalties are subject to change. In effect, an influential person with better political connections and more money may or may not receive the support of a clan or sub-clan in elections, even if the candidate has identical ethnicity. In Khyber Agency, ethnic-based politics has been disturbed in instances where the clans were faced with a choice between an ethnic candidate and a charismatic figure, particularly a religious candidate. One independent candidate in Khyber Agency, Noor ul Haq Qadri, belongs to the minority Shinwari tribe, yet won constituency NA-45 in the 2002 and 2008 general elections (and was runner-up in 2013). Qadri is a religious figure and has a huge regional following. He belongs to the 'Pir' school of thought (similar political figures in the Swat region are outlined by Barth (1959)), which has a widespread religious following in the whole of Pakistan. Pirs are actively engaged in conflict resolution at the local level and in charitable causes. Qadri enjoys a relatively stable voter base from his religious followers. Anecdotal evidence suggests that the candidate also used the traditional principles of success to gain additional votes, i.e. money, social welfare and local elite pacts. In sum, ethnic politics has been important throughout FATA, unless influenced by strong ideologies – whether religious or political – in providing citizens a chance to bypass the traditional ethnic-based choices.

In regions where a political party actor lacks an ethnic following, discourses reworking identity beyond ethnic relationships are developed, emphasising any moral connections. Another way of gaining legitimacy for the political actors involves adopting the rhetoric of good governance and democratic citizenship, highlighting the exercise of the fundamental rights of citizens in FATA; the new political elites position themselves as agents able to protect citizens' democratic rights. The following section explains the narrative that new political elites use to justify their legitimacy in the field of governance.

5.6.4 Rhetoric: The PPA as a Political right

The new political elites use the discourse of democratic citizenship and hence are drawing up strategies to introduce reforms to the FCR. These strategies include spreading awareness amongst the citizens on Facebook and in newspapers and through the participation of political candidates in radio and television talk shows, workshops and conferences. Moreover, the new political elites stage protests at state institutions such as parliament, the Peshawar provincial assembly, High Court and Supreme Court, at political administration offices in FATA, and at local media offices, and at press clubs in Peshawar and Islamabad.

Part of the new political elites' repertoire is to advance a system of governance that is independent of the influence of the traditional FCR system, in which (the narrative goes) the people have lost faith.

Most of the new political elites with whom I interacted in FATA identify the British administration's implanted system of FCR and its continuation by the Pakistan state as one of the core governance challenges. A number of new political elites described the FCR as a 'black hole' for its inability to provide citizens with connectivity to the state of Pakistan.[63] The current debate over governance in FATA also shows that the decentralised structure of the FCR conferred enormous powers on the political agents and *Maliks*, which were often abused by both state and non-state actors (Wazir and Khan, 2014, p.44). The reservations adopted by political actors are also consistent in a survey conducted by Mehsud and Ali (2012, pp.23–4) claiming that 94% of respondents criticised the FCR and favoured its replacement with a more democratic, transparent and responsive system.

Moreover, the new political elites have understood that the *Maliks* do not enjoy popular support amongst citizens. The *Malik*–bureaucratic nexus is criticised by the new political elites for holding a monopoly over political power. The *Maliks* are considered dependent on the political administration because they have no other means of income or resources. The daily official visits of *Maliks* to the political administration are seen as avenues to earn money for the *Jirga* and to obtain permits and developmental funds. In addition, their loyalty to the state is attributed to the acquisition of material wealth and the protection of their power and status.

The new political elites understand that the PPA will begin to develop better mechanisms for controlling violence in the FATA region. The establishment of peace in FATA is linked to political empowerment, good governance and transparent local governance regulations. Assessing the impact of political parties in minimising extremism and radicalisation, Sajjad (2013, p.83) takes the view – similar to that held by new political elites – that, given the political activism at the grass-roots level, the citizenry would be more likely to consent to peace, since they would have more space to provide an input into policy implementation processes (Sajjad, 2013, p.84).

5.7 Conclusion

This chapter has examined two things. First, I explored the changing architecture of political and social leadership in FATA. The discussions in this chapter show that the extension of the PPA imposes a major formal shift from a limited to a more democratic franchise and has altered the dynamics of the traditional political settlement (FCR). The PPA imposed political structures within which there are

[63] Under the FCR, the relationship between state and society was mediated via the *Maliks*, which were the initial point of contact for the people. However, there was a lack of direct contact between the people and the rest of Pakistan.

opportunities for power. Second, within the changing architecture, I examined the emergence and rise of a new set of powerful local elites taking advantage of democratisation processes.

This chapter discussed the attempts by new political elites to secure loyalty and legitimacy in the region. It showed that the formal institutional shift lacks consistency with the normative formal Western model of governance democratisation. Instead, the extension of political reforms introduces new actors who, in an attempt to secure their own loyalty and legitimacy, have adapted to the traditional informal processes of access and success. I focused primarily on the reworking of leadership and authority around three cross-cutting areas: loyalty, networks and rhetoric. I argued in this chapter that the loyalty mechanisms employed by the new political elites are not new to the political culture of FATA, but the use of these factors has increased as the PPA imposes greater competition for political power. Moreover, the chapter highlighted that the new political elites use a variety of rhetoric, and action, to buy a constituency of loyalty. Part of the rhetoric is a moral discourse of democratic citizenship, and action, involving the strategies undertaken by the new political elite to achieve electoral success.

In developing countries, our understanding of power-sharing, interest and actors is crucial for the ways in which political settlements are realised. The examination of power struggles in an institutional change in FATA requires an understanding of the *Maliks*' perception of the imposed structures, and how they are understood at the local level. In the next chapter, I examine how the *Maliks* respond to the changing nature of social and political relationships in the FATA region. In doing so, I explore how the *Maliks* understand, experience and reconfigure themselves to emerge as suitable leaders.

Chapter Six: The Reinvention of *Maliks*

6.1 Introduction

> The political reforms are aimed to abolish the *Malik* system. Because the *Malik* system is shaken, this is the reason you see anarchy in the country. My point is, if you demolish a wall from its foundation, then irrespective of how strong the wall is, it is doomed to fall. (Interview (respondent requested anonymity), 3rd October 2014)

> We [*Maliks*] have no issues sending our representatives to the National Assembly; as we want the problems of FATA to be heard at the national level … but the local governance and social order can only be managed by us … what do they [new political elites] know about our local issues … they don't even live here. (Interview (respondent requested anonymity), 14th November 2014)

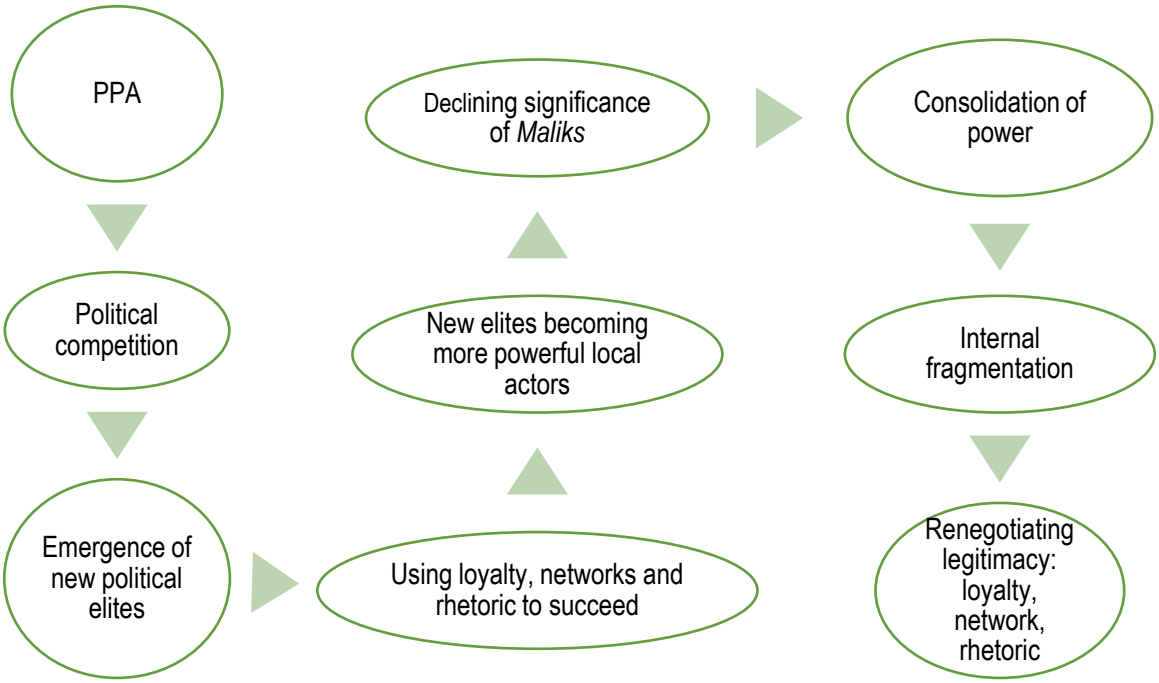
The last chapter showed that the PPA has triggered a set of political changes and opportunities, in which the role of *Maliks* in the political process seems to be in decline. Discussion in Chapter 5 showed that the PPA has disturbed the traditional sets of relationships in which the *Maliks* have been involved. Within the context of the reworked political settlement in FATA, the new political space is shifting as there are more actors emerging, and the new political elites are becoming mobile. Moreover, the new political elites are using loyalty, networks and rhetoric to succeed in the 'national' political elections of FATA and legitimise their role in local leadership. Chapter 5 highlighted that the new political elites are now beginning to challenge the political power of *Maliks* at the level of local governance; they are soliciting further institutional reform at the local level.

The interviews excerpted at the head of this chapter were conducted at the time when debates over the extension of adult franchise local governance system were gaining momentum across Pakistan. The *Maliks* were of the opinion that abrupt changes in the local political and administrator structures were ill suited for the governance problems of the region. Taking all these factors into consideration, this chapter looks at the 'local' political arena in the Khyber Agency, and focuses on the response of *Maliks* to the renewed framework in the region.

The aim of this chapter is to understand how the *Maliks* try to renegotiate their positions of power in response to the reworked political settlement. Within the context of North, Wallis and Weingast's (2009) theoretical concepts on institutional change we understand that the effectiveness of the PPA depends on the level of opportunities available to local actors, including *Maliks*, who will either assimilate or resist them depending on the nature of benefits available. The *Maliks* who have been traditionally tied to political administration continue to reap their favours and exchanges at the local administration level. I argue that the institution of *Maliks* has undergone a radical overhaul and is reinventing itself to take

advantage of the altered political arena in order to maintain their power. One aspect of the reinventing of the *Maliks*' case is their claims to authority and legitimacy. The response of *Maliks* to the reworked political settlement in FATA is mostly around rhetoric – the discourse of moral authority and tradition on the one hand, and entrepreneurial manoeuvres on the other – reworking loyalty mechanisms and networks in an effort to re-establish their role as eligible political leaders. Figure 11 illustrates these arguments:

Figure 11: The Reworked Political Architecture of FATA



In explaining this, I structure the discussion in this chapter around the strategies employed by *Maliks* in three topics:

a) Discourse of traditional morality: The *Maliks* use rhetoric to signify the importance of 'tradition' and 'values' for FATA, and cite the intrusion of the PPA as causing factions within society; 'we have too much "party" here in FATA now'. The *Maliks* are trying to make a moral threat about the fact that having more political institutions invites disorder; 'when there are too many factions, then there is chaos'.

b) Relationship with the state: To be effective, the *Maliks* are reworking and strengthening, consolidating and widening their position as a broker to the state. This has two functions: it brings access to resources and gives them legitimacy in the overall context of security. The *Maliks* are building a discourse around social order, terrorism and their role as capable agents of peace in protecting their legitimacy in local governance.

c) Relationship with community and new political elites: This is concerned with the entrepreneurship role, where some *Maliks* are using similar power and tactics as the new political elites, except that most *Maliks* are not as wealthy patrons.

6.2 A Snapshot of the Renewed Political Settlement

In this section I present a snapshot of how the institution of *Maliki* is constitutive at the local level leadership and the changes in the nature of *Malik* power and authority in my research constituency, the Khyber Agency. The identification of the existing political power of *Maliks* is useful as it enables us to make better sense of the response of *Maliks* towards the reworked political settlement, discussed in the latter part of the chapter. First, I clarify the tribal representation of leadership in the Khyber Agency.

6.2.1 The Existing Structure of Political Leadership in Khyber

When I visited the Khyber Agency office, I was provided with a tabulated list showing the political leadership structure of the Khyber Agency (Table 6.1).

Table 6.1: Updated List of Political Leadership in Khyber Agency

Serial no.	Tribe	No. of *Maliks*	No. of tribal elders
1	Aka Khel	3	99
2	Sepah	5	115
3	Qamber Khel	4	326
4	Malikdin Khel	14	219
5	Kamar Khel	3	50
6	Zakha Khel	6	576
7	Adam Khel	2	113
8	Kuki Khel	16	606
9	Mullagori	2	114
10	Shinwari	3	322
11	Shilmani	Nil	84
12	Stori Khel	Nil	03
13	Minorities	Nil	10
Total		58	2,637

The office staff advised me to consult Tipu Muhammad Khan's book *The Land of Khyber* (2005) to gain a deeper understanding of the distribution of political leadership in Khyber Agency. In the book, Khan indicates that there were 12 tribes in Khyber Agency and that each had its own *Malik*(s) and elders (2005, p.60). An analysis of the book informs us that some tribes have more than one *Malik*, particularly tribes with a greater number of sub-clans (2005, pp.161–5). However, I must clarify that it is not compulsory for a sub-clan to have a *Malik*. As can be seen from Table 6.1, the Kuki Khel tribe has the most *Maliks* (16) of any sub-clan and 606 tribal elders, followed by the Malikdin Khel tribe with 14 *Maliks*. Smaller tribes such as Shalmani and Stori Khel have no *Maliks* but are represented by tribal elders.

Khan (2005, p.149) lists the tribal local political leadership of the Khyber Agency by indicating the total number of *Maliks* as 24 and Tribal elders as 2,637 (2005, p.149). Thus, the number of *Maliks* listed in the book was considerably lower than in the list provided to me by the officials in the Khyber Agency office (Table 6.1). This shows that almost half of the *Maliks* were nominated in the last ten years. An article in the newspaper *Dawn* in 2011 cited the appointment of around 6,000 *Maliks* and elders in the whole of FATA during this time (*Dawn*, 2011). Both the newspaper article and my respondents say this increase in the recent past is due to the considerable influence exerted by the military establishment in particular, and political parties in general, to re-establish the services of the *Maliks* to confront militants (ibid.). (The war on terror has caused the death of *Maliks* and elders, as discussed elsewhere in the thesis.)

I learned in my fieldwork that access to the senior position of *Malik* required an individual to have connections with senior military officers (as the Army has been dealing with militants in FATA, any recruitment is passed through security processes and loyalty checks on individuals), the bureaucracy and the ruling political party. I was told that a change in regime at federal level had an impact on the power structure at the local level, as the national elites influenced the appointment of *Maliks*. Access to junior positions *Lungi* holders, or in the *Khassadars* or Levies – is influenced by the *Maliks*, whose views are then forwarded in turn to higher officials. Preference is given to officials favoured in the political leadership of the FATA region.

Under the FCR the political leadership is structured in a hierarchical order and decentralised down to the hamlet level. Most of the respondents I met at the Jamrud *tehsil* administration office identified themselves as '*Maliks*' – even though some had been tribal elders, and others conducted routine duties on an informal basis. It is important to clarify the distinction between tribal elder and tribal *Malik*. The tribal elder is generally referred to as *spin giray* (a Pashto word translated as 'white bearded', also called *Lungi* holders, which nowadays includes young people and old). A *spin giray* or *Lungi* holder is

officially nominated by the political administration. In the hierarchical structure, the *Malik* has a senior position, and the *Lungi* holder is his subordinate. The governance domain of a *Lungi* holder represents a *tappa* (sub-clan), or roughly a small village community comprising an extended set of families within a tribe. In some areas, there are two or three *Lungi* holders in a *tappa*, depending on the size of the families.

The role of Tribal *Maliks* in governance is intrinsically linked with *Lungi* holders. *Maliks* primarily deal with dispute resolution, arranged through *Jirga* between two parties, and development funds. A *Lungi* holder has limited powers and does most of the administrative duties at the political administration office, such as verification of forms, signing applications of ID cards etc. Later I found that the term '*Malik'* was a favoured word used interchangeably by *Lungi* holder to demonstrate status, prestige and power. Even a number of new political elites identified *Maliki* in their extended families and attempted to link this with their forefathers, while personally disassociating themselves.

6.2.2 Analysis of Political Power of Maliks

Discussion in Chapter 3 highlighted that *Maliks* as an identity group continue to enjoy 'official' control over local governance under the FCR. This subsection analyses the effects of reforms on the political authority of *Maliks*. As illustrated in the Figure 12 below, external political change has had a considerable effect on the political power of *Maliks* in multiple areas.

Figure 12: The Changing Political Power of Maliks

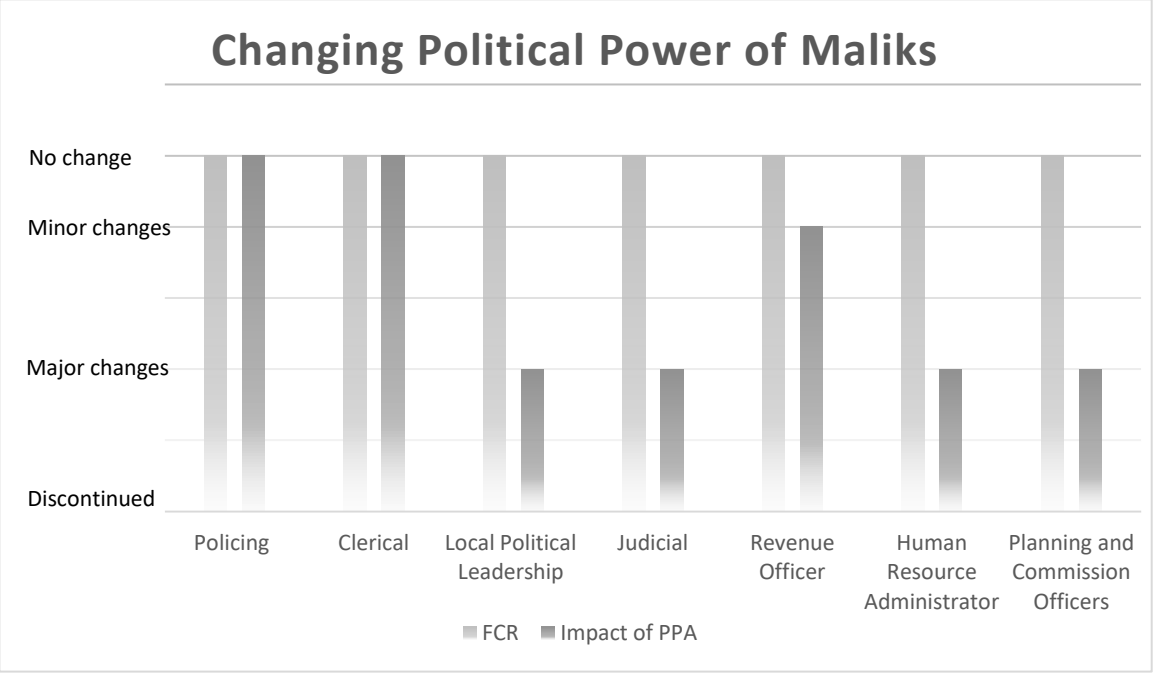


Figure 12 is drawn from discussion in Chapter 3, and illustrates that the *Maliks* continue to control policing and clerical roles at the local level. In the other categories, the *Maliks* now have limited control over resources and authority. This marks a significant shift from their earlier powers, and Table 6.2 shows the impact of political reform and changes in the *Maliks*' political power.

Table 6.2: Changes in the Governance Role of Maliks at the Local Level

Governance role	**Functions**
Policing	No changes. To identify and arrest local criminals, and hand them over to the British administration. Often done by using local personal influence and with administration's support. Controlling illegal activities, e.g. poppy cultivation or smuggling. Negotiating kidnap cases. Arranging local mercenary force to fight criminals.
Clerical	No changes. Registration of documents: birth, death, citizenship
Local leader	Lifetime term. Hereditary transfers: Only male members, mostly elder son. Changes: (a) Introduction of PPA, (b) new political elites emerging, (c) local political workers attached to political parties conducting political duties, (d) debates over merging FATA with KPK province, and (e) debates over introducing adult franchise for local council.
Judicial	Managing *Jirga*: Settling criminal and civil cases. Bail Bailiff Amendments: Decisions made by the *Maliks* can now be challenged in FATA tribunal. Debates over the extension of the jurisdiction of Peshawar High Court to FATA.
Revenue officer	Disbursement of financial allowances to citizens. Witness for land purchasers. Change: The citizens have alternative channels to seek daily needs from new political elites.

Human resources administrator	Change: The new political elites can equally influence recruitment through networks and connections.
Planning and commission officers	Change: Powers over development funds and contracts transferred to FATA secretariat.

One significant cause of the declining powers of *Maliks* is the emergence of new political elites, who have become a parallel source of power in local governance. There is an overlap in the roles of *Maliks* and new political elites as both are part of the cog of patronage to individuals within the local community. The local term used for patrons is *mashr* (elder). The terminology is used for the *Maliks*, *Lungi* holders and, since the extension of the PPA, some political party actors who are active in carrying out routine duties at the local level. The role of *mashr* is similar to that of patron with respect to the relationship with clients as outlined in the academic literature.

Over time, there have been changes in the role of *Maliks* as strong patrons. *Maliks* had immense power during colonial times in exchange for generous salaries and perks from the British administration. This is reflected in the following narrative, presented to me by a respondent whose grandfather acted as a *Malik* during British rule:

> *Maliks* were given around 1,200 rupees [equivalent to £8 today] per month in allowances. At that time the purchasing power of one rupee [equivalent to 0.7p] was very high. The salary of a servant was two or three rupees [0.13p–2p], so you can do your own maths for 1,200 rupees. If a *Malik* wanted, he could have purchased a lot of land on 1,200 rupees. He could have purchased so much livestock. At that time people hardly had any money. People would produce their own food, such as wheat, milk, oil and chicken. They would travel and collect wood by themselves. Only a *Malik* had so much money. Thus, the *Maliks* had excess money with which they were in a position to do favours to the people, [so] the people became more dependent on them. (Interview (respondent requested anonymity), 13th October 2014)

With the amount of authority derived by these *Maliks*, their traditional role as patrons was significant in terms of helping their clients through small-scale welfare activities. In the following years, as new political settlements evolved in the FATA region, the *Maliks* experienced a gradual decline in the nature of incentives and power. A further decline in their power was noted in the previous chapter, through the use of more money by the new political elites.

My respondents offered three possible explanations for the declining political power of *Maliks*. First, the present monthly salary is understood to be insufficient to sustain their living. Discussions with *Maliks* revealed there has been no adjustment in their salary for inflation in real terms since British times. The salary ranges from 12,000 to 30,000 Pakistan rupees (equivalent to £82–£206), depending on experience and ability to negotiate with the political administration. Taking into account purchasing power, *Lungi* holders find it hard to renegotiate their legitimacy in the new political framework. Second, the extension of adult franchise in FATA denies avenues of income generation for *Maliks*, who previously had the right to vote and elect an MNA. The third factor is related to opportunities for rents in development funds, permits etc. With the PPA, it is becoming increasingly difficult for *Maliks* to generate development funds for their respective region, as the funds depend on the personal relationship with political parties and negotiating skills of the *Malik* with the political administration.

Another key affected area is the *Maliks*' role in judicial matters – the *Jirga*. With respect to local judicial matters, the new political elites pressure the state to bring changes in legal rights. There have now been amendments made in the *Jirga* that curtail the *Maliks*' power. These include:

(a) The power of habeas corpus has been given to the FATA tribunal (in the rest of Pakistan it normally lies with high courts and session courts), and thus a person can apply to the FCR Tribunal for parole.

(b) Citizens are allowed to approach the FATA tribunal to challenge the decisions made by *Maliks* and the political administration.

As discussed in Chapter 5, the new political elites are further pressuring the state to extend the jurisdiction of the Peshawar High Court and Supreme Court to the FATA region.

The local elites and *Maliks* are now faced with a choice to access opportunities for power and incentives under either the PPA or the FCR. Typically, the *Maliks* tend to rework their positions in line with political developments. Historically, as explained in Chapter 3, the *Maliks* have responded in different ways. In general, some resisted any new reworked settlement, and often labelled themselves 'traditional', using the moral discourse of tradition and values prevailing at the time. Other *Maliks* have taken advantage of the new political developments by 'adapting' to these changes and developing a stronger relationship with the state. The following section explores how the *Maliks* respond to the recent political changes in FATA.

6.2.2.1 Maliks in Transition

In the early phase of my fieldwork, when talking to the *Maliks* and *Lungi* holders I observed that the debates over the PPA and reforms were not taken seriously. A common response was that the *Maliks*

interpreted the political change as 'a game'. A number of them understood the extension of the PPA as 'one of those state reforms, which might change later on'. The previous reforms introduced in FATA (and later discontinued) during the Musharraf regime were often cited by *Maliks* as a 'misadventure', 'a wave that came and went', 'engineered', and so forth. In general, the PPA was seen a continuation of previous failed attempts at local governance reform. Elections to local bodies were generally perceived as the state's own 'selection' rather than elections (FATA Commission, 2016, p.35).[64] A number of my respondents felt that only those people close to the political administration were selected as councillors.

Despite considering the local elections less significant, a number of my respondents participated in them. The following statement by one *Malik* reflects a common response when I tried to explore what compelled them to take part:

> Well … It depends. Right now, *Maliki* is better. *Maliki* is permanent, and councillor is only for two or three years. If in future the *Malik* system is made weaker, and the councillor is given more authority, then I will not go for *Maliki*, but rather go for a councillor. (Musa Afridi, Interview, 9th December, 2014)

The level for opportunities within structures has an impact on the responses of *Maliks*. A central feature in the decision by *Maliks* to adapt appeared to be related to the opportunities for power and benefits available to them. In this way, there a distinction was made between reaction and adaptation. Some of my respondents commented 'You have to be part of the game, you never know'. One respondent clarifies this as:

> Everyone would like to adapt, and it depends on opportunities for them. But when they don't see opportunities then people start beginning sticking to FCR. (Interview (respondent requested anonymity), 5th December 2014)

Hence, *Maliks*' willingness to adapt is concerned with how the opportunities are seen, and then relates to how they can fit in with them. In other words, how best the *Maliks* can take advantage of these opportunities.

The key motivation for my respondents to adapt in the context of institutional politics is to react to the broader strategies of other *Maliks* who decide to step into the political arena. I learned from my discussions that there is internal competition among *Maliks*, trying to win over others with whatever opportunity becomes available to them. The *Maliks* and *Lungi* holders were often competing amongst

[64] One problem for the failure of the LGR is related to militants. As, one of my respondents in the bureaucracy told me on condition of anonymity, the state was reluctant to extend the LGR since there was a genuine fear that the militants, who controlled some parts of FATA, might come to power as a result by using their position to force people to vote for them. As my respondent explained, the state limited the scope of an 'open' election of councillors, and rather handpicked some *Maliks* for these positions.

themselves to become councillors, and most had little knowledge of what the position entailed. One of my respondents who participated in these elections recalled the election process thus:

> Trust me, it [the election] was funny. On the day of [the] election there were no citizens present. How could they be present when there was a war going on? How could they be present when the people have migrated? I went to the political administration office, with [a] few of my relatives and members [of the] community. I went there, and I came out nominated … but again I clarify that I faced no competition. (*Malik* Israr, Interview, 14th October 2014)

The *Maliks* who were elected councillors told me they did not feel any greater political importance, or more privileged in terms of significance, authority and access to development funds. I have included in this section some excerpts from my diary account and interviews to highlight how the position of councillor has been interpreted in different ways by some *Maliks*.

1: 'The power of a cleaner was more than a councillor.'

2: 'The *Maliks* would make fun of councillors over the fact that councillors had no power. We used to think let them [the councillors] walk here and there, if that is keeping them happy.'

3: 'The councillors would come to the office the same way a teacher goes to the class. Just to show they are present.'

4: 'That office was given to us, see the one just by the stairs'; and one respondent sarcastically pointed out, 'even the fan was not working there'.

The *Maliks* further observed that the role of councillors was as mere signatories for ID cards, birth and death certificates and basic clerical duties.

From these responses, I learned that the *Maliks* read politics in different and contrasting ways. All the *Maliks* I observed were reacting to the political changes on their own terms. While the *Maliks* preferred the FCR, the LGR meant better opportunities for *Lungi* holders. Some of the *Lungi* holders commented as follows.

> It was easier for us to approach the councillors. Now we either run to the *Malik* or the MNA. And besides the MNA is not just the representative of a sub-clan but the entire agency there is too much load on him. (Nauman, Interview, 2nd December 2014)

> That system was good because Zakat money [charity] was with [the] councillor, who would then inform us to get verified documents from the people. Once done, the money would then be handed to us in envelopes [and hence distributed] so the people were happy. [Saleem, Interview, 27th November 2014]

These responses by *Lungi* holders and *Maliks* highlight a lack of consensus over political reform in the region. For some *Maliks*, persisting with the traditional mechanism continued to be the '*only*' (strongly asserted) solution for stability in present circumstances. Others understood that relying only on traditional moral authority was not a sufficient means of holding power. These *Maliks* play the political game differently. From my discussions with them, it seemed that *Maliks* want to persist with their official role, but some claimed that, 'as a second line of defence' (Interview, (respondent requested anonymity), 14 September 2014), they are beginning to take opportunities from similar political reforms as the LGR, now extended to FATA.

I was fortunate to conduct my research at a time when significant changes in the political structures were taking place rapidly compared to past events. The reforms in local governance were mostly shaped by external changes and pressure applied by the new political elites, media, social activists and politicians. During my fieldwork I observed political changes on a daily basis, and I would take the new themes and build up informal discussions with *Maliks* to make sense of how they interpreted them. I observed that these changes kept on changing the perception of *Maliks*. In my subsequent visits, it was becoming clearer that the *Maliks* began to take these reforms seriously. From my observations, and discussions with Tribal *Maliks*, their tactics also became clear through the ways in which they reposition themselves towards the changing landscape.

The *Maliks* and local political elites are now faced with a choice to access opportunities for power and incentives, from either the PPA or the FCR. The main differences between the *Maliks* and new political elites are that the *Maliki* is hereditary and for life, and the main point of interlocution for *Maliks* is the political administration, while the new political elite sees more opportunities and benefits under the PPA. The PPA offers more opportunities, incentives and political connections outside FATA. The new political elites have more resources and, since the *Maliks* lack such extensive resources, pressures are growing on them, resulting in their losing legitimacy and followers.

One of the arguments developed in this chapter is that the PPA has caused internal divisions within the *Maliks*. Data analysis from fieldwork revealed that some *Maliks* adapt to similar logics of success as the new political elites, and others do not. One of the consequences I observed was that the *Maliks* are becoming fragmented. I observed distinctions between the groups of *Maliks*, but these are not rigid. The *Maliks* as an abstract body united in the face of external threats; this unity is triggered by competition from the new political elites, in the event of an existential threat from the militants, or by changes in local governance rule. In particular, the *Maliks* come together by using the discourse of morality and tradition, and also by consolidating their relationship with the state. On the other hand, the *Maliks* compete internally for resources and over the level of importance they should be given in the

political process. They separate when they negotiate over political legitimacy and space under the PPA with the new political elites, development funds, and loyalty in the communities.

The next section discusses the diversity within *Maliks*, and explores their internal dynamics as a group and as individuals. In relation to the PPA, I have disentangled the notion of *Malik* fragmentation into two fundamental groups – traditional and adaptive – both working in official capacities at the local governance level. I begin to explore how these categories adopt strategies to succeed as eligible political actors. I explain at the outset that these two groups are not mutually exclusive, nor is there an urban–rural divide as most reside locally. I have explored in my fieldwork that the *Maliks* are learning different tactics, but are different in relation to (a) the main source of their power, authority and legitimacy with the administration and political parties, and (b) what these categories of *Maliks* offer to the political administration or new political elites and what they get in return. This chapter showcases that the traditional *Maliks* are more tied to the traditional administration FCR, while the adaptive *Maliks* hedge their bets on both the FCR and the PPA as a strategy to emerge as successful political actors.

6.3.1 Traditional Maliks

In Chapter 3, I discussed how the government has institutionalised the recognition of *Maliks* and *Lungi* holders as official representatives in governance, and thereby enables them a certain degree of access to state resources. An analysis of my data in fieldwork with *Maliks* reveals that:

1. Most *Maliks* who are formally recognised tend to be ancestral

2. All of these *Maliks* have local geographical backgrounds

3. *Maliks* are supported by kin groups

4. They are in control of locations, i.e. a typical village leader-type structure

5. *Maliks* are given governance roles (although, as Table 6.2 above highlights, the roles are diminishing).

Analysis from fieldwork data revealed that, compared to the new political elites, the traditional sets of *Maliks* have limited money, are not as well educated or well travelled, and traditionally derive their strength based on the numbers in their communities. Some of the *Maliks* describe themselves as 'traditional' in terms of protecting the region's cultural and political norms, and by considering the FCR a suitable political and administrative system for FATA. Most of the traditional *Maliks* I interacted with reside within FATA or, in the case of Khyber Agency, in nearby Hayatabad or Peshawar region. Traditional *Maliks* are socially well connected at the local level and participate regularly in carrying out governance duties.

Traditional *Maliks* strongly oppose the political party system and operate within their official duties designated under the FCR. A significant proportion of the traditional *Maliks* I interviewed would like the traditional status quo to be maintained, and therefore consider local leadership as their fundamental right and/or emanating from ancestral heritage. The imposition of the PPA is perceived by this category of *Maliks* as a direct challenge to their legitimate authority. Traditional *Maliks* find it difficult to create spaces for themselves under the PPA. Two possible explanations were given in this context. In my informal discussions, the first reason explored related to the increased 'open' competition from new political elites who have more financial resources to succeed electorally. The second reason was about the benefit, official status, lifetime leadership role, and opportunities available to them under the FCR, and these *Maliks* therefore found no strong reason to invest in the PPA.

This category of *Maliks* describe themselves as 'state loyal', particularly with the military and bureaucratic establishment, citing a history of support given to the government to establish peace in FATA, and also in other parts of Pakistan. However, these *Maliks* complained that, in recent times, loyalty to the state alone did not guarantee increased access to governance benefits. This section further elaborates on this concept, and shows that loyalty to the state significantly enhances the individual's chances of getting noticed by the political administration. In a sense, the provision of access strengthens the relationship between the state and *Maliks*. Loyalty to the state is generally perceived by the new political elites as a main route for *Maliks* to gain access to resources, and thus negotiate loyalty locally.

6.3.2 Adaptive Maliks

The traditional *Maliks* in general identify themselves as members of the same family, as they share the same geography, local affinity and formal status under the FCR. A few, to whom I refer as *adaptive Maliks*, hedge their bets in terms of maintaining strong links with the FCR while at the same time navigating within the PPA to gain economic and political advantage. I noted in my fieldwork that the adaptive *Maliks* by definition usually have more money compared to traditional *Maliks*, but less than the rich political elites. The adaptive *Maliks* come from a relatively better business and educational background than traditional *Maliks*, and usually have travelled more and have a tradition of working with political parties. It appeared that adaptive *Maliks* tried to take better advantage of the PPA, as the political party system becomes more significant and important generally within governance structures. One way of adapting within the reworked political framework is to make much more through outside connections, whereas traditionally these *Maliks* would have relied on connections mostly within FATA.

In my fieldwork, I often found the adaptive *Maliks* interacting more with political party actors. In a sense, adaptive *Maliks* are picking up the habits and contacts of the political elites, who in return see the usefulness of these *Maliks*. A number of adaptive *Maliks* have developed contacts with political parties while residing, or studying in educational institutions, outside FATA. One of my respondents, whose father had been a *Malik*, was an active member of Pukhtun Student Federation in Peshawar University. At that time, he developed connections with the leadership of the student federation. Following the demise of his father, my respondent became a *Malik* and continued to interact with the political party leadership. Thus, exposure to political systems outside FATA has enabled the adaptive *Maliks* to see the opportunities arising, and in effect they are transferring and spreading some of that context into the FATA region, and being opportunistic.

The *Maliks* tend to re-strengthen their legitimacy for power through three key strategies:

(a) Using discourse to preserve the local culture, tradition and the FCR.

(b) Demonstrating loyalty to the state and the political administration.

(c) Networks: Reworking relationships with the new political elites and the local community.

The traditional and adaptive *Maliks* tend to follow similar strategies of rhetoric and loyalty (i.e. (a) and (b)) to strengthen their relationship with the state and the political administration. The distinction between these categories of *Maliks* is observed in their use of networks ((c)) – the relationship with political parties, or participation in the new political architecture. The distinction also becomes clear when I explore how the *Maliks* are trying to rework their relationship with communities.

In the context of unity and separation, the *Maliks* face competition from the new political elites over local governance. One way of dealing with the threat from the new political elites is to unite as one body and use the same kind of strategies as the political elites. For example, the *Maliks* stage protests in front of public offices in FATA, Peshawar and Islamabad, or use print and electronic media such as Facebook to spread awareness of the perceived problems of the political party system. A common narrative adopted by all the *Maliks* is that the PPA threatens internal unity, and to spread the fear of the PPA inviting disorder in the already volatile region of FATA. Other 'fear' discourses include the claim that the extension of the local bodies system will allow the state to impose taxes on citizens who are currently exempt, and that the PPA will destroy the values systems of the FATA region. Within these discourses, the *Maliks* attempt to situate their legitimacy as eligible political actors. I elaborate further on these discourses below.

6.3.2.1 Rhetoric: The Discourse of Moral Authority and Tradition

> We have a culture of respecting the elderly. We try to preserve our tradition, but once the political party system is [fully] implemented then this thing [respect for elders] won't last. (*Malik* Salahuddin, Interview, 27th October 2014)

The *Maliks* tend to unite and forge an alliance to preserve the traditional governance system. On a number of occasions when I interacted with *Maliks* and citizens at the *tehsil* office, I observed that *Maliks* were using the discourse of 'tradition' (through informal discussions and media) and 'action' (protests, conducting *Jirga*, or routine official duties). In comparing the FCR and the PPA, the *Maliks* seemed to be trying to persuade the state and citizens about the disadvantages of the PPA and the benefits of the traditional governance system.

Both the adaptive and traditional *Maliks* attributed the respect for them as an act of 'tradition'. They interpreted this respect as a significant factor in holding the community together in the FATA region. There remained a general concern amongst the *Maliks* that 'local tradition' is threatened by the PPA and the emergence of political party elites in the social and political architecture of FATA. In particular, they observed that the PPA had created a difference of opinion, particularly among the youth who had migrated outside the FATA region. Before the introduction of the PPA, they considered the level of respect in the community was taken seriously, but the *Maliks* now said they faced a lack of respect from the next generation, describing them as 'misguided by the new political elites'. The *Maliks* widely believed that the new political elites have negligible local geography and are young and embedded with modern values, and therefore have little knowledge of dealing with complex local law-and-order issues. The *Maliks* believed that traditional values are strong enough to maintain stability and order in the present circumstances, and that therefore the traditional leadership structures under the FCR are the answer to present-day problems.

Moreover, the *Maliks* consider themselves as true custodians of local norms. This is due to their ability to demonstrate local behaviour, e.g. taking part in private events such as funerals, weddings and childbirths. Such social participation has remained an important source of legitimacy for these *Maliks*. However, in the recent past the engagement of new political elites in social activities has made the nature of competition complicated for *Maliks*. My respondents complained that social participation is becoming more demanding in financial terms, and that it is difficult for them to compete with new political elites who are using more money and networks of connections.

With respect to institutional change towards the PPA, the *Maliks* see the political party system as not aligned with local customs and traditions. *Malik* Salahuddin pointed out that policies dictated from

outside FATA through the new political elites seem to have little relevance for the region, as the tribal culture is different from that in other parts of Pakistan.

> We want to strengthen the local system, i.e. *Jirga* and elders. We live here and are familiar with local knowledge. … what does a Punjabi know about tribal culture or other tribes residing in Pakistan? … You see, the vision of political parties in Pakistan is restricted to serving their own identity and communities … Noon League [PML-N] focuses on Punjab. People's Party [PPPP] is for Sindh. MQM is a Muhajir party in Karachi … show me which political party is for the whole of Pakistan … so are you [the new political elites] saying when these political parties come to power, they will serve FATA? (*Malik* Salahuddin, Interview, 27th October 2014)

Noor Maraz, a *Lungi* holder, adds:

> I will give you an example that in *koza* [settled area] during political gatherings you will find people talking against each other and even engaged in foul-mouthing or fights but here we seriously consider such acts as leading to enmity. (Noor Maraz, Interview, 13th October 2014)

In the two accounts above my respondents are trying to compare the value systems of FATA with the settled region. Akbar S Ahmed (1980) had earlier informed us about how the political party system in part of Mohmand differed in value systems from the tribal areas. Here my respondents echo similar concerns, suggesting that the values inherited within the Pakistan political party system are in direct contrast to those within the FATA region. A *Lungi* holder named Raza, commented in this context:

> Our tradition is quite different from others [the rest of Pakistan]. For example, in Peshawar city different types of people live in the same street. You don't even know who has voted for whom. But in FATA only one family resides within a one-mile area. (Raza, Interview, 9th December 2014)

My respondent is pointing towards the impact of the political party system on the social organisation of FATA. The new political elites competing for political space are family members, tightly knit by inter-family marriage. The consequence of any ideological political difference (dictated from other provinces of Pakistan) is understood to create serious disputes – i.e., the PPA causes division within families. The *Maliks* repeatedly pointed out that in cities there are residents of different ethnicities. Diversity of ethnic community enables them to exercise the choice to vote for different candidates, without causing much conflict. In FATA, however, it is understood that candidate nominations for multiple political parties within a family will create factions, igniting intra-family conflict. In section 6.5, I will further explore the dynamics of identity politics in FATA.

The *Maliks* referred to bad governance in the rest of Pakistan, which they often labelled 'dysfunctional', as a key disadvantage of extending elements of that political system to FATA. The inability of Pakistani state institutions to control the worsening law-and-order situation in the rest of the country is given as

an example of how effective the FCR system in FATA has been in delivering stability in the region. The prevailing violence in FATA is associated with the rupture of traditional structures, and implementing a 'bad' governance model in FATA is therefore believed to actually increase violence. The *Maliks* value their role in the establishment of peace, and therefore seek to re-establish their authority under the FCR.

There are other areas where the *Maliks* assert their significance in governance. With respect to the effectiveness of the traditional judicial system in FATA, they know that the state judiciary in the settled region is influenced by politicians, and it takes a long time to get justice. The *Maliks* believe the cost of getting justice in the settled areas is high. The narrative adopted is that the poor are unable to afford a lawyer. By comparison, under the FCR decisions are made rapidly, and the cultural accountability of *Maliks* by its own people is a strong reason to ensure impartiality in the decisions (see detailed discussion below in subsection 6.3.3).

In addition, the *Maliks* resist the replacement of *Khassadars* (local police force, selected from within clans, for the surveillance of a local area) by police forces of the settled region, due to the former's familiarity with local conditions.

Moreover, the *Maliks* argue that due to (a) lack of education, (b) awareness of the political system and (c) security and conflict, the FATA region is not ready for a political party system. The narrative adopted is thus that the effectiveness of the political party system can only be realised when people in the region receive education, and the *Maliks*' major demands are that the state should focus on improving educational facilities rather than distorting the system – a view partly endorsed by the establishment elite.

6.3.3 Relationship with the State: Loyalty and Selling Services

The *Maliks* mostly retain loyalty to the state, and were observed to be involved in a series of bargains and trade-offs in order to achieve a position to retain their political power. In response to the reworked political framework, they have increased their mobility to reach out externally to the state, in an effort to sell their services. They position themselves as capable 'agents of peace' and offer to franchise off some of the state responsibilities to enforce the state's rules and regulations. Some of the services the *Maliks* offer include bringing order in the region, as opposed to violence. By contrast, the new political elites' selling point seems to be about political welfare. The *Maliks* understand that the management of violence is the main problem of governance in FATA, and therefore needs to be dealt as a matter of priority.

An important part of bargaining involves the *Maliks* and the state negotiating access to state resources. Access to the political administration office, development funds, allowances, expenses and permits is important, as these resources determine the success of a *Malik*. Analysis of data revealed that access is reciprocal, and political in nature. In addition to managing violence, negotiating access depends on the *Maliks*' 'performance' – the ability to bridge gaps between official expectations and local norms, adaptive abilities, meeting expectations, obedience and social relationships. My fieldwork showed that, while everyone gets a chance to meet officials, the potential gain (i.e. success) from interaction with the political administration is dependent on three key abilities of *Maliks* (both adaptive and traditional), which I discuss below:

(a) Policing role: To offer their services of security officers in providing the state access to volatile regions

(c) Marketing services: using personal connections to enhance social and political power

(d) Negotiating local politics: the *Malik* as a patron to citizens in fulfilling official governance obligations.

6.3.3.1 Policing Violence: As Guardian of Order

Maliks demonstrate their usefulness to the political administration in a number of ways. First, as I have shown in Chapter 3, they have historically played a significant role in arranging militia (the *Lashkar*) to protect Pakistan's borders from external aggression. In this context, the role of *Maliks* as 'agents of peace' has generally been recognised by the establishment. In addition, the *Maliks* cite the number of lives they have sacrificed among them in the ongoing war on terror, and pledged continued support to the political administration.

Second, the *Maliks* that I interviewed pledged their strong support for the state, even in situations when the administration uses force, or when the state requires the *Maliks* to use their influence in order to enforce security on and the good behaviour of FATA residents. In this respect, the *Maliks* attempt to hold control over the policing role, share information, and control the behaviour of individuals in their region. It is expected of a *Malik* to fully cooperate with the political administration. In so doing, the *Maliks* extend support in the arrest of criminals. In the event of a kidnap, the administration seeks the support of *Maliks* to act as mediators to negotiate the release of the hostages (Ahmad and Mohyudin, 2013, pp.249–50).

Another important governance duty of local elders is the verification of individuals' identity. The FATA region experienced a huge influx of Afghan migrants. The growing militancy in FATA is linked to some Afghan migrants purchasing forged Pakistani documents. In the recent past, however, the state's aggressive action has meant that a large number of Afghan migrants have been deported back to

Afghanistan. Through informal discussions, I became aware that the supply of forged ID cards presented potentially illegal economic opportunities for some *Maliks*.

Moreover, the state has maintained Article 40 of the FCR, i.e. 'collective responsibility' as implanted by the British administration. The nominated *Maliks* and *Lungi* holders capture individuals who violate laws and are wanted by the authorities. In situations where the *Maliks* are unable to arrest the actual criminal (wanted in relation to kidnapping, terrorism, petty crimes, etc.), they are authorised by the administration to arrest a relative or anyone from the criminal's clan, which has the effect of increasing pressure in the culprit to turn himself in. (This is known as 'collective punishment'.) The *Maliks* collect fines from criminals, and usually receive some financial reward for these collections.

The *Maliks* believe the British-imposed Article 40 essential for the region. They consider this law puts added pressure on the whole tribe for the immediate capture of a criminal. The *Maliks* believe they have the right kind of influence in the community to arrest criminals, and this therefore legitimises their leadership role in governance. All types of *Maliks* – including well-educated ones such as *Malik* Ghaffar from the Kuki Khel clan, a retired director general of a state geology department – consider Article 40 a tailor-made governance prescription for a volatile region like FATA. He says:

> The British were very clever people to have designed such a good law for the tribal people within the framework of local laws. It enabled the development work to take place, and also protection, security, and [the] law and order situation were properly maintained. (*Malik* Ghaffar, Interview, 22nd November 2014)

The *Maliks* consider the state is compelled to use their support to realise its benefits because a *Malik* takes responsibility for arresting a criminal. *Malik* Ismail draws attention to the vulnerability of the state in accessing this volatile region:

> … whenever someone is wanted by the state, they would normally ask *Maliks* or *Lungi* holders like us for assistance in the capture of the alleged accused. The state gives demarcations of the region related to the possible hideout as lying (for instance) within 60 miles, i.e. within your *Kabila* (or tribe) or immediate family. I would normally go and find [the alleged accused] without the support of a tank, convoy or fighter pilots. I would then hand over the accused into the state's custody. Nowadays you can see how so many [state] departments are trying to handle this [on their own, without our support], but they are finding it difficult. (*Malik* Ismail, Interview, 13th November 2014)

Although the collective responsibility effectively enhances the government's control, my respondents opposed the arrest of innocent people and thus supported amendments related to collective punishment. Asserting their significance in governance for controlling violence, another respondent

claimed that the change in institutional transition towards political party systems will have drastic consequences for the region:

> If they change it, then it will create big problems beyond the control of anyone. Now things are under control. Trust me, we have arrested those people who damage the state because it was our responsibility under FCR. If this system is demolished, then why should I arrest him and present him to the state. Someone else won't be able to do this; at least we have the traditional ways to do it. We arrest people by going to the clan and their homes, and I don't think the councillor has this power. (*Malik* Shah Mahmood, Interview, 17th October 2014)

In the above account, Shah Mahmood emphasises the *Maliks*' continued relevance based on their role in dealing with complex local issues that positions them as suitable representatives to manage violence, and the inability of alternative sources of power to manage the local violence. Most of the *Maliks* understand that, because they are tied to local geography and deal with governance issues on a daily basis, the institution commands respect within communities.

6.3.3.2 Security Officers: State access to development work

The state expects the *Maliks* to provide it access to the volatile region for development work. Here the role of a *Malik* is to ensure the security of a development project. The construction of roads (particularly in the Khyber Pass, stretching from Khyber Agency to Afghanistan) has strategic interest for Pakistan. It is essential for the state to manage direct control over the trade route to Central Asia and South Asia. It has also served as a strategic link to Afghanistan during the war against the Soviet Union, and for US and NATO forces in the war against the Taliban.

In my fieldwork, I was told by my respondents that historically some *Maliks* – identified as 'British *Maliks*' in Chapter 3 – had resisted the construction of the Khyber Pass road. The *Maliks* had used *Jirga* as a medium to spread awareness of and opinion against the road's construction and thus mobilise people against the state's development work. The local people had regarded the Khyber Pass as their own preserve and its use for other development works was seen as an attempt by the state to strengthen its writ over the region. Thus, development was seen as an administrative tool for social control.

> … once they [the state] are able to achieve their dominance in governance, then our freedom will also go away with it and we will end up as slaves. (Interview (respondent requested anonymity), 23rd February 2015)

Although my respondent had been a strong critic of road development in FATA, he acknowledged the benefits after the Khyber Pass road had been constructed through military intervention, and by means of the support from the 'state-loyal' *Maliks* given to the political administration.

6.3.3.3 Reinforcing local authority via Jirga

The *Maliks* are reinforcing their local roots, and this is seen mostly through *Jirga* – dispute- and conflict-resolution at the local level. *Jirga* is an important part of the way that societies in FATA work, and the *Maliks*' role in conflict and dispute resolution is crucial to their ongoing legitimacy. A *Jirga* is a forum in which all disputes are resolved through dialogue. The *Jirga* holds significance in the FCR as it is equivalent to a court in tribal areas. The state uses the services of *Maliks* in *Jirga* to act as mediators to prevent conflict between two parties. Most disputes are related to land issues and enmity between two parties. To deal with such issues amicably, a *Jirga* is established to engage in dialogue process.

There are two types of *Jirga*. The 'official' *Jirga* is held at the political administration office. It deals with issues of a serious nature, such as killings, criminal activities, or matters related to government property such as land acquisition and road accidents. When a case is reported to the Assistant Political Agent (APA), the office asks each party to nominate a *Malik* of their choice as their representative; they then act as lawyer for each party respectively. There are no strict rules to nominate a *Malik* of one's own clan; those from a different region can also be nominated, subject to the permission of the APA. However, the local norm is that generally a *Malik* from within the clan is preferred, for the reason that he has an in-depth knowledge of local issues. In the next stage, the *Tehsildar* appoints a jury of two *Maliks* of his choice to validate the level of justice and impartiality in a decision. A decision is written by the APA in favour of one party based on a simple majority of *Maliks*.

Another form of *Jirga* is a private one held at *Hujra*, and is about issues related to local values between a clan or sub-clan, or at intra-tribal level. A local-level *Jirga* is dealt in two ways. The first is called '*Lyara*' (path). The decision-making authority is given to a *Malik*, and the *Lyara* refers to the decision of a *Malik* that can be overturned if the issue does not address the concerns of any party. The second method is when the two parties give complete decision-making authority to a *Malik*. Here the *Maliks* establish a '*Tiggah'* (ceasefire) and set a deadline for the issue to be resolved. Efforts are then made by the *Maliks* to reach a compromise and afterwards establish a truce between the parties. Depending on the nature of the issue, dispute resolutions can take up to three months. Both parties are bound to accept the decision to avoid any future enmity. Once a decision is reached, per the cultural norms each party pays roughly £140 (the amount must be equivalent to the market value of a sheep, as feasting on lamb for lunch/dinner is a mark of celebrating the truce) for the services of the *Maliks*.

The *Maliks* are strong proponents of a *Jirga* system and link it as an integral institution for peace in the FATA region. *Jirga* is called a 'weapon for peace' and 'an essential part of Pashtun culture'. One of my respondents, *Malik* Ismail, who has recently been nominated a *Malik*, understands that tribal people have three big weapons – the mosque, the *Hujra* and the *Jirga*. He asserts:

> … we learn politics from this, we learn trade from this, and we learn customs and norms, and knowledge from this … (*Malik* Ismail, Interview, 13th November 2014)

These three institutions act as civil society, and the *Maliks* understand that reforms dictated from outside the FATA region are distorting the fabric of 'local democratic structures'. Most *Maliks* openly confessed to their inability to understand the judicial system operating under political party systems.

On the other hand, the new political elites understand that *Jirga* is a 'money-making machine' for *Maliks*, as the platform provides avenues of rent-seeking. The raison d'être of the *Jirga* is associated with personal gain and its function is about the acquisition of material wealth. One of my respondents explains the process of corruption as follows:

> … [the] political administration nominates a *Jirga*, and then he has a share in each one of them. Depending on the nature of the conflict, the share can vary from 5,000 rupees, 10,000 rupees to 15,000 rupees [roughly equivalent to £35, £70 and £105 respectively] and more. … even bribes take place between witnesses of opposing parties. … The *Maliks*, witnesses, and the person who is monitoring the *Jirga*, they all make money. (Shareef, Interview, 26th September 2014).

This account suggests the injustices meted out to the poor people who cannot afford to bribe officials and are mostly deprived of their rights and justice. Some of my respondents acknowledged that decisions are normally made in favour of the rich. All the Tribal *Maliks* I interviewed denied involvement in corruption. However, the new political elites vocally complain of corruption by the nexus between the *Maliks* and the bureaucracy. I observed while participating in workshops and conferences organised by civil society, and also private social gatherings, that the new political actors pressure the federal government to reform legal institutions, and to an extent are successful in extending judicial matters to a new body called the FATA Tribunal. All decisions made by the political administration can now be challenged in this tribunal, which supposedly weakens the monopoly of *Maliks* in judicial matters.

The *Maliks* contemplate legitimacy within the traditional institutional structures, and often end up looking for alternative channels to survive. In the following section, I explore what makes the adaptive *Maliks* more successful than traditional *Maliks*. The subsequent section will examine how Tribal *Maliks* are trying to rework their relationship with communities and the political parties.

6.4 Relationship with Communities: The Entrepreneurial Role

After the promulgation of the PPA in FATA, local governance is a contested arena between *Maliks* and the new political elites. Both groups focus on 'performance' in solving daily problems faced by citizens and trying to gain access to the political administration in that regard. Where state loyalty is deemed essential for access, other features such as *sifarish* (a local term meaning an individual who uses his/her personal connections with influential figures to intercede to gain access to resources) is also essential. In the discussions below, I note the significance of access that is mediated via informal interactions.

The people expect the local elites to generate funds related to daily basic needs such as the installation of transformers, tube wells and solar plants, and the construction and maintenance of pavements, roads, irrigation channels, fish farms, hospitals and schools. As discussed in Chapter 5, within the reworked political settlement in FATA the new political elites use their own money to extend these facilities to citizens, and as such the *Maliks* face pressure to hold on to their legitimacy. Given that the *Maliks* are not as wealthy patrons as the new political elites, and therefore not in a position to spend similar amounts of their own money on these resources, one of the important avenues of gaining loyalty for these *Maliks* is to generate development funds related to citizens' daily governance needs. Access to these funds is crucial for *Maliks*, as they know it is the kind of thing they can sell to the people in return for loyalty and legitimacy.

One problematic area pointed out by my respondents is that, in the absence of local governance regulations, there is no avenue for FATA to generate its own development funds. The funds are a matter for the state's annual development budget prepared by the FATA Secretariat. A key official, who wished to remain anonymous, explained a typical process of fund allocation to me. He said that the FATA Secretariat directs the Political Administrators (PA) of the respective agencies to produce a Planning Commission form (PC–1) to allocate development funds; the form is then forwarded to the FATA Secretariat for approval. I further learned that the administration involves mostly the administration's favoured *Maliks* in the PC-1 process, and these *Maliks* attempt to negotiate development funds for their respective communities.

In a normative sense, all *Maliks* have equal access to political administration funds, which is the responsibility of APA and *Tehsildar*, who are employees in charge of local issues. However, during my visits to the Jamrud *Tehsil* office, I learned that *Maliks* and *Lungi* holders have been facing difficulties in gaining access. Some of my respondents blamed the political administration for *sifarish* over providing access. Access to these developments funds is, as my respondent complained, 'elite-centred' rather

than 'human-centred'. My respondents claimed that development fund allocation processes are controlled by the new political elites and the political administration. In particular, the new political elites are beginning to assert their control over development funds through party connections, as the appointment of officials in the political administration office is usually carried out by the federal government. The ruling party in turn prefers to promote the interest of its own representatives to strengthen its base within the communities.

In my conversations, I also learned that there is pressure on *Maliks* to maintain their influence over the distribution of funds. A number of adaptive *Maliks* told me that they were reworking their strategies as the 'rules of the game' had changed in the new political environment. One way in which some *Maliks* are more effective in this new order is that they are developing better connections with the political parties, knowing their loyalty and legitimacy is under threat from the new political elites. I observed in my fieldwork that adaptive *Maliks* often approach the political elites to help resolve complex issues at the political administration office. In this way, horizontal ties have been developed between the new political elites and *Maliks*, in particular the adaptive *Maliks*. Within the reworked political framework, it appeared that adaptive *Maliks* are at an advantage by using stronger political connections to influence the bureaucracy in the political administration office.

The new political elites are beginning to establish themselves as suitable patrons. Since 1997, the reworked patronage structure in FATA has begun to take shape, in the following structure.

Figure 13: Reworked Patronage Structure in FATA

The ability of political elites to assist *Maliks* is significant for the latter as it gives them some credibility and acceptance. Often, the political elites will use their stronger connections with political parties or the governor to seek the political administration's support to facilitate the *Malik* or nominated party workers. In return, these *Maliks* are expected to support the political candidate in elections (see section 6.5 below for detailed discussion).

Moreover, the use of development funds is an important resource for the *Maliks* to establish their authority that is much needed to gain loyalty of their followers. I observed that, when development funds are allotted to a *Malik*, he tends to take credit for 'bringing' welfare to the community. My discussions with civil society, academia and some new political elites revealed that these development funds are also an avenue for them to accumulate wealth through rent-seeking. Often, construction contracts are given to the son or immediate family member of a *Malik*, or the *Maliks* are understood to charge a commission from an external contractor in these projects. The new political elites agreed that one reason some *Maliks* resist the extension of local governance reforms is because their brokerage role in development projects will be replaced by councillors, and hence posed a threat to their rent-seeking opportunities.

Some of my respondents, particularly traditional *Maliks*, expressed frustration over gaining political space in the reworked political framework. They complained that their influence and ability to maintain power and authority might be affected – not so much internally within the communities as externally, because access to resources is to a large extent negotiated by outside political connections. If the lack of access to resources or facilitation in official duties lasts for a period of time, then the influence of political actors is generally perceived to have become weaker, as the community expect the delivery of governance services.

Those traditional *Maliks* with close relationships with the political administration continue to reap exchanges, but for those in the lower cadre, i.e. *Lungi* holders, access to development funds has been problematic. My respondents told me that *Lungi* holders are dependent on their relationship with *Maliks* to gain access to development funds. Given the complex web of relationships that the *Maliks* are engaged in to generate funds, it becomes increasingly difficult for *Lungi* holders to establish a direct contact with politicians. Consequently, the *Lungi* holders seek alternative avenues. Many of my respondents approach NGOs for development assistance. However, I observed from their discussions that *Lungi* holders struggle to maintain sole partnerships with these organisations.

> … we did establish an organisation in the past, and arranged a meeting with an NGO. For some time it worked. We initiated a lot of work, such as tube wells, or emergency services such as funerals. We could only run it for three years, but could not sustain it for a longer period, because I am poor … (Gul Shad, Interview, 7th November 2014)

The discussions above reflect the significance of maintaining relationships with a larger patron. Gul Shad, a *Lungi* holder, explained that the NGO contract was temporary and short-term, and in general a long-term agreement is needed by local actors to sustain their legitimacy. The *Maliks* understand that longer-term deals depend on their skill in negotiating with the political candidates, often including the *Maliks*' ability to strengthen the position of a political actor in the region. Any departures in the

negotiation process may result in lack of access to development funds for the tribal elders or reduced facilitation of other routine official duties.

In one of my visits to a remote area in the Khyber Agency, while interviewing an adaptive *Lungi* holder, I was surprised to notice that a transformer had been installed within the boundaries of his residential premises, and line connections were passed to the neighbourhood. I learned that having the transformer installed on his premises was a symbol of his power, social status and authority in the community. The transformer enabled him to control the management of and access to electricity lines for members of the community. Access to the transformer illustrated the politics of access, and for him one way of getting access was to seek the influence of the new political elite. The development project or funds gives overriding powers to the patron in exercising candidates' political agendas in the region. In the case of my respondent, a political actor had used his influence in the political administration to install a transformer for the *Lungi* holder. Although only one transformer had been installed, credit was taken in the locality by both the *Lungi* holder and the political actor, and these local actors used the transformer's installation to assert their legitimacy in the vicinity over a period of time. In this particular instance, the clan members I spoke to expressed satisfaction over the role of the political actor and *Lungi* holder for meeting their long-standing demand for electricity in the region. Most of the clan members were even willing to extend their support for the political actor in the next election.

The acceptance or discouragement of new political elites is thus institutionalised via the politics of access to this kind of development funding. In addition, it shows how power is shaped from a distance by politicians by managing the distribution of resources. In the next section, I elaborate further on the nature of pacts between the *Maliks* and the new political elites, where adaptive *Maliks* put to use their stronger connections at the local level within communities and the politicians gain electoral support in return.

6.5 Relationship with New Political Elites: Local Elite Pacts

In this section, I explore the workings of intra-clan support extended to a political candidate through the role played by *Maliks* in Khyber Agency in order to secure their legitimacy. This explains the strategic alliances that take place at the local level, which determines why political support should be given to a political candidate. In particular, it discusses the changing role of *Maliks* in pacts with local elites and discusses the type of tactics they employ to overcome what used to be the nature of identity politics in FATA. One way for the *Maliks* to gain loyalty is to trace their identity to a particular community, and use their influence in order to mobilise support from local social and kinship ties. Intra-clan support for a

candidate is a complex phenomenon as the clan members have free choice over giving their political support. I observed that political support for a particular candidate is not certain, and indeed in some cases where alliances are more competitive in nature, pacts fall apart.

The term 'identity politics' is generally used to refer to clans or groups of people who are members of an ethnic group (Kuki Khel, Malikdin Khel, Qamber Khel, Zaka Khel and so forth), and particularly with a tendency to form political alliances within that ethnic group. Amongst the ethnic clans in the town of Jamrud, political candidates from the two larger clans – the Kuki Khel and Zakha Khel tribes – are more likely to run for election because of their larger population. In 2013, a total of 18 candidates contested the general elections, amongst them eight candidates from the Kuki Khel tribe and four from the Zakha Khel.

I learned from my discussions with respondents that tribes in FATA prefer to elect a candidate (as an independent) from within their tribes for National Assembly elections. The nomination of a candidate in the general elections is generally subject to approval by the *qaum* (tribe), often mediated by *Maliks*. Without the *qaum*'s support, chances of success are minimal. Gul Shad explains the demography of his clan and the process of engagement that take place at village level:

> In Kuki Khel, we have six sub-tribes … each has around 500 homes … we arrange *Jirga* at village level, and consultation sessions before coming to a decision. (Gul Shad, Interview, 7th November 2014)

What Gul Shad is trying to explain here is that in FATA the *Malik* is considered a *mashr*, and the clan members vote for him out of respect. In addition, most of the village comprises tight-knit family structures so the people, who are used to the *Maliki* system, rely on the word of a *Malik* when coming to a decision. The role of a *Malik* is to find common ground that binds the candidate and members of a tribe. Votes are often (but not necessarily) cast in a pool by the immediate family members of the candidate, *biradari* (brotherhood), sub-clans etc.

During my fieldwork, *Maliks* told me about the intra-clan political support they thought they could mobilise in favour of a political candidate. Often the term used here was 'my vote bank', as some *Maliks* considered they enjoyed considerable influence over the community. Some adaptive *Maliks* participate directly in the elections, and hence use this political support for themselves. One told me:

> I ran for elections because I wanted to analyse my strength. I wanted to see where I stood in terms of significance. (*Malik* Israr, Interview, 14th October 2014)

The *Malik*'s decision to run as a candidate in the general election is inspired in order to take advantage of his political support and become an MNA, but the elections are also contested by these *Maliks* to demonstrate an 'established base' of voters through the level of support. The *Maliks* may then use this established base when negotiating with the new political elites in the future. Other *Maliks* gave me

some conservative figures of their 'vote bank', from as low as 100, with Noor Maraz, a tribal elder, explaining the mechanism for how they could be generated:

> In my family I have around 70 to 80 votes. If you include distant relatives, then it would reach around 100. (Noor Maraz, Interview 13th October 2014)

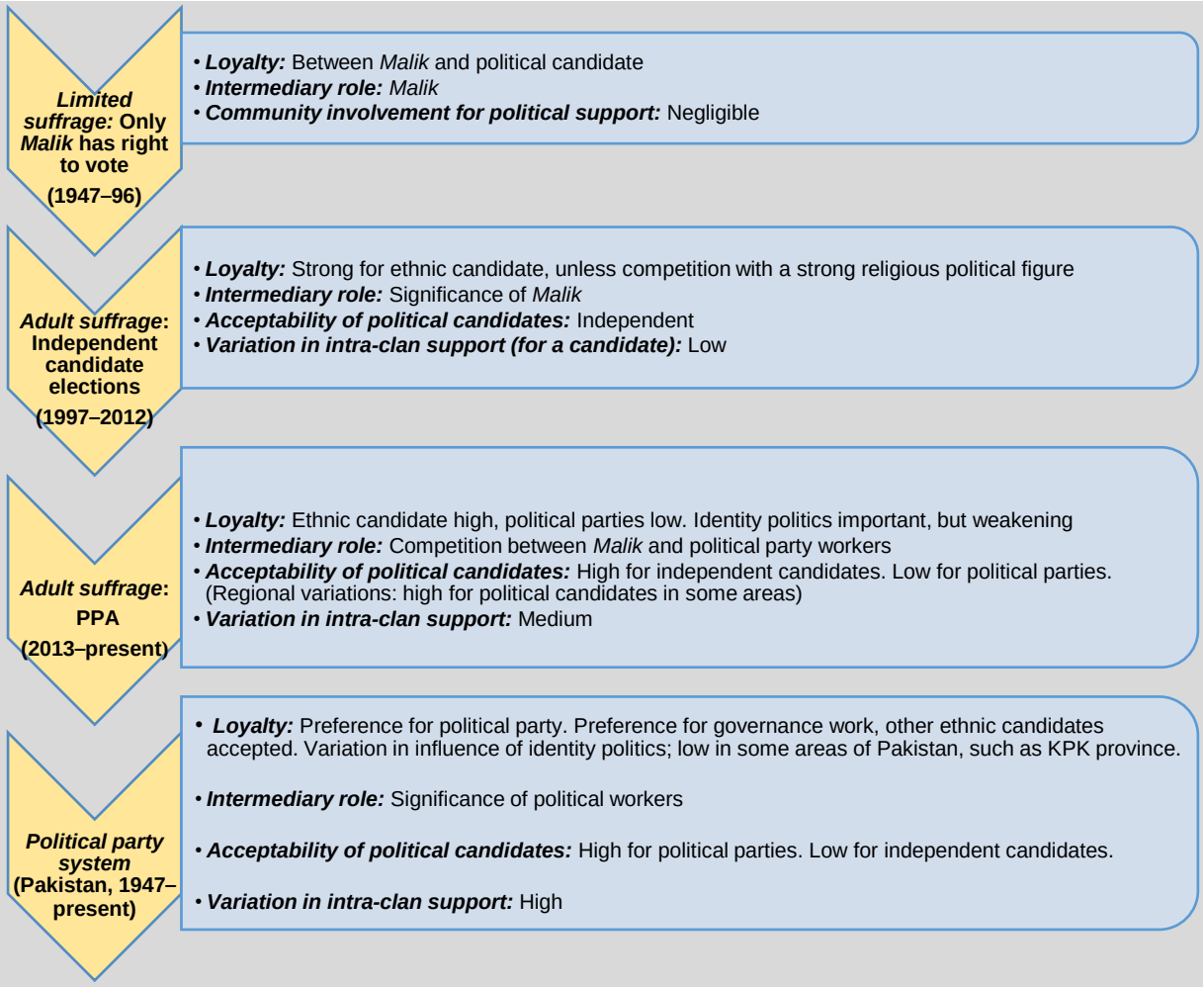
Others cited figures of between 300 and 2,000 (the latter probably exaggerated). However, they did concede that there was no certainty that all of the votes are cast in a pool for a candidate, and that the vote is also dependent on the profile of the political candidate, and their welfare activities and level of respect amongst their community.

Moreover, the *Maliks* use their local support to negotiate with political parties in return for personal benefit. The political actors, being wealthier patrons, use clientelistic mechanisms to gain the *Maliks*' support. One *Malik* supported a political candidate who was not as rich as the winning candidate. He explained that his chosen candidate lost the election because of his financial status:

> … why did a rich candidate win the elections? Because of slaughtering animals in every *Jirga*, arranging a public meeting and … providing gifts of vehicles [Toyota Corolla diesel cars] for some influential elders. If you buy two motorcars as a gift for someone, don't you think he would vote for you and ask the people as well? (*Malik* Seemab, Interview 19th November 2014)

These discussions show that the role of *Maliks* has changed to be that of a broker in the political process. I explained the main changes in the elite structure in Chapter 5. In the early phase of elections in FATA, the *Maliks* had overriding powers to elect a National Assembly candidate via a limited franchise system. In 1997, after the universal adult franchise system was implemented, political candidates and *Maliks* needed to seek the clan's opinion on who to support. The extension of the adult franchise system offered citizens a greater choice of candidates. The intermediary role of the *Malik* changed from a dominant agent to a situation where there is competition from other intermediaries associated with political parties. Figure 14 illustrates these changes.

Figure 14: The PPA and the Dynamics of Identity Politics



The PPA has effected change within the dynamics of identity politics in Khyber Agency (as Figure 14 illustrates) as it offered multiple political party ideologies. Some aspects of the diagram were discussed in section 5.6.3, and the final section will be discussed in Chapter 7. In this section, I focus on two significant changes. First, the PPA has opened up opportunities for political actors to engage directly with citizens or nominate party workers to act as intermediaries to gain political support. The traditional channels of the *Maliks*' mediatory role, although getting weaker, continue to shape the political dynamics of FATA – in particular, the *Maliks*' support for independent candidates, as explained in Chapter 5. Second, the PPA has altered the nature of identity politics. The meaning of identity remains significant in Jamrud, but under the PPA a greater number of candidates contests elections, which has produced a dual effect: (a) more choice for citizens and increased competition for intra-ethnic mobilisation, and (b) these choices enable intra-clan divisions over political support to emerge.

As there is increased competition for political support at the local level, the traditional voting pattern has been disturbed as different options become available to citizens and clan leaders. The following statement by a tribal elder captures the changing and complex nature of local voter behaviour:

> The people may vote [for us] [if I ask them] but people are generally greedy and hypocritical. They tell us they will vote [for us] but most probably will vote for someone else at the last moment. What I don't understand is the hypocrisy – why they would vote for someone else when they have pledged to give it to us. Is it because of money, or for some other reason? I don't understand. So, on the one hand they try to keep me happy by telling me that they have voted for my candidate, and on the other they might have voted for someone else. So basically keeping all parties happy … (Qoaat Khan, Interview, 4th December, 2014).

In this manner, as Qoaat Khan explains, the introduction of the PPA has created options within clans at the local level and hence a level of uncertainty amongst the *Maliks* when predicting voter behaviour. The intra-clan political division is not new to FATA, as there has been more than one candidate running for elections within a tribe, but the intrusion of the PPA has created a larger range of options. The greater division is empirically investigated in Chapter 7, looking at a settled region in Pakistan experiencing prolonged political party systems. Chapter 7 will illustrate a high variation in identity politics and the increased significance of political party workers in intermediary roles.

6.6 Conclusion

This chapter has focused on two key areas around the reinvention of *Maliks*. The first concerned the weakening of their political power as a result of the reworked political architecture in FATA. Discussion revolved around the ways in which the political reforms and changes have affected the power and authority of *Maliks* at the local level. The emergence of new political elites has had a significant impact on the readjustment strategies of *Maliks* to renegotiate their legitimacy. The real difference between the *Maliks* and the new political elites is not only in the moral discourse, but also that the *Maliks* are less significant patrons, i.e. they cannot afford to spend as much money or conduct the same level of welfare activities as the new political elites. Nor do the *Maliks* have the same level of political connections outside the FATA region. They are reworking their strategies in relation to their relationship with the state, which is about building a discourse over political order, tradition and the politics of fear, asserting that without their role there might be more terrorism. Moreover, the *Maliks* have strategies for achieving smaller victories, knowing they may not have the same money or connections as the new political elites.

The second aim of this chapter was to identify the segregation of *Maliks* into traditional and adaptive, in an attempt to show how they consolidate their power. The chapter explored how adaptive *Maliks*

renegotiate their legitimacy by using strategies of loyalty, rhetoric and networks similar to those that made the new political elites powerful, except they are not such wealthy patrons. This chapter described how adaptive *Maliks* are trying to circumvent relationships with political parties in order to reposition their legitimacy and authority. On the other hand, traditional *Maliks* rely on other sources – mostly tradition, values, community, blood relationships and kinship etc. – in an effort to survive in the new context. The adaptive *Maliks* seem to be successful, as they can make greater inroads into the central state. One way that the adaptive *Maliks* seem more successful in this new order is through a better connection to the political administration and the political parties by learning new tactics through interaction with the new political elites and exposure to political systems outside FATA. In addition, the adaptive *Maliks* see opportunities and get involved in them in order to stay on the platform. Whether the traditional *Maliks* slowly disappear depends on how they negotiate the political settlement in the future.

This chapter outlined the *Maliks*' response to the PPA, including their motivations and frustrations, and how they have adapted. The next chapter seeks to explore how the structure of political relations unfolds and is substantiated in a politically more settled nearby geography of Khyber-Pakhtunkhwa province whose system of governance is now being proposed for the FATA region.

Chapter Seven: The Significance of Networks: A Case of Local Elites Negotiating Legitimacy in a Settled PPA System

7.1 Introduction

In the previous two chapters, I examined the role of local elites from the perspective of being entrepreneurial and reworking strategies to gain political legitimacy and authority. As I have explained in Chapter 4 (Methodology), I was constrained in my fieldwork to gain an in-depth picture about the dynamics of legitimacy and loyalty negotiated by 'political workers' at the local level. Given this background, this chapter seeks to explore how the structure of political relations unfolds and is substantiated in KPK, which has a system of governance that is now being proposed for the FATA region.

The aim of this chapter is two-fold. The first aim is to take the same two institutional forms (new political elites and *Maliks*) and examine how they operate and behave in a different and slightly more settled geographical context. The second aim is to explore the architecture of local elites in this context, and I investigate at the same time what principles drive their consolidation of power. In the settled region competition for political power is driven by working on a basic focus on brokerage and access. I examine the significance of networks in the political settlement through a more focused case study of a dam construction project, where I begin to explore how the local elites negotiate their authority and legitimacy through party-political connections. In other words, the dam case study uses that brokerage and I try to gain a closer, micro-explanation of how the different constellation of power and actors interacts around a specific case.

7.2 A Comparative Reflection of Political Power in KPK and FATA

This section examines the political structure in a more settled region – Nowshera in KPK. The purpose is to set out the differences between the makeup of political power and opportunities in FATA and in KPK. Table 7.1 gives a snapshot of the PPA institutional arrangement in both regions.

Table 7.1: Institutional Arrangement of the Political Party System in FATA and KPK

Region	Seats in National Assembly	Provincial Assembly	Local council
FATA	Yes	No	No
KPK	Yes	Yes	Yes

The structure of National Assembly seats is similar in both my research sites of Nowshera, and Khyber Agency in FATA. Both regions have two National Assembly constituencies. In Nowshera these are designated NA-5 and NA-6. In contrast to FATA, the local political actors in the settled region have opportunities to contest seats in a provincial assembly; in Nowshera there are five. The allocation of seats in the Provincial Assembly varies in KPK according to district, depending on the size and population of each. The Peshawar district – the capital city of KPK – has the greatest number of seats. In the proposals put forward recently by the FATA reforms committee (as explained in section 3.9), there are suggestions that FATA be allowed to nominate representatives for a provincial assembly, using the premises of the KPK assembly in Peshawar.

As explained in Chapter 6, the local governance arena in FATA is dominated by *Maliks*. In KPK the ruling political party, the PTI, extended the local governance system to the province in 2013. The promulgation of the local governance system enabled the devolution of power at three levels. In descending order these are: the district council, *Tehsil*/town council and village/neighbourhood council. Table 7.2 lists the number of leadership opportunities at the three levels.

Table 7.2: Political Leadership in Khyber Pakhtunkhwa Province

	Number of district/*tehsil* and village councils	**Number of seats**
District council	26	1,546
***Tehsil* and town council**	73 *Tehsil* + 4 town	1,633
Village and neighbourhood council	2,835 rural villages and 504 urban neighbourhoods	39,806

Source: Democracy Reporting International website. Available at: https://democracy-reporting.org

I explain the make-up of the different tiers of councils below.

7.2.1 District Leadership

There are a total of 26 districts in KPK, with a total of 1,546 general member seats for which local actors can seek election. These seats are spread unevenly across the districts. Members are elected through an 'open' electorate contested by candidates running with a party-political affiliation or as independents. Within this political settlement is representation for 'special seats' reserved for women, peasants, workers, youth and non-Muslims. The candidates for such 'special seats' do not take part in direct elections, but are nominated by the elected members. In FATA, there are no 'special seats' reserved for these groups.

At the top of the tier at district leadership is a *Nazim* (mayor), also called chairman, followed by *Naib Nazim* (deputy mayor). Both the *Nazim* and *Naib Nazim* are elected by the district members. There are both similarities and differences between the political power of a *Nazim* and a *Malik*. They are similar in that both are in charge of local governance issues in their respective regions. The main differences are highlighted in Table 7.3 below:

Table 7.3: A Comparison of Political Authority: Nazim versus Malik

	Relationship with political administration	**Hereditary**	**Term**	**Number of positions in district/ Agency**	**Geographical coverage**	**Control of development funds**
Nazim	Superior	No	4 years (unless re-elected)	One	Whole district	Yes
Malik	Subordinate	Yes	Lifetime	Multiple *Maliks*	Tribe	No

The *Nazim* has more powers over the political administration in KPK, while a *Malik* is subordinate to the political administration in the FATA region, and the *Nazim* has control over development funds while a *Malik* does not. On the other hand, within the new political settlement in FATA, development funds are controlled by the FATA secretariat. A district *Nazim* is a single position, whereas there are a number of *Maliks* within a constituency in FATA. The *Nazim*'s role is to manage the whole district, while the *Malik*'s domain is limited to tribal representation. Moreover, the position of *Nazim* becomes vacant once there is change in regime at federal level, while a *Malik* is entitled to remain a government official for life.

7.2.2 Tehsil Leadership

The next-highest tier of political leadership is composed of *Tehsil*/town councils. The *Tehsil* council is elected through the same electoral process. The authority of a *Tehsil Nazim* is similar to that of a *Malik* in terms of geographical coverage over communities. Once council members are elected, they are empowered to select the *Tehsil Nazim*. The local-level political leadership structure in Nowshera shown below.

Table 7.4: Political Leadership of Nowshera

Nowshera	General	Women	Peasants/ workers	Minorities	Youth	Total
District	47	16	3	3	3	72
Tehsil	32	11	2	2	2	49

Source: Local Government, Elections and Rural Development Department: Government of Khyber Pakhtunkhwa website. Available at: lgkp.gov.pk/district-council/

Table 7.4 illustrates there are a total of 72 district general seats in Nowshera (out of the total of 1,546 district member seats in KPK as a whole). The general seats are spread over two National Assembly constituencies, NA-5 and NA-6. In addition, a total of 49 *Tehsil* council members are elected from Nowshera district.

7.2.3 Village Leadership

The distribution of political power at the village level in the settled region is similar to that of a FATA region. In KPK, local political actors have equal opportunities to contest village council seats. At the village level, Nowshera district has a total of 153 village and neighbourhood councils (see Table 7.5), and general member seats are allocated to each council, according to population. The number of seats in village councils ranges from five for a village with a smaller population to approximately ten for those with a larger population. The 39,806 seats on village and neighbourhood councils in KPK identified in Table 7.2 are spread proportionately over 2,835 villages and 504 urban neighbourhoods in the 26 districts of KPK.

Table 7.5: Village and Neighbourhood Councils in Nowshera

Neighbourhood councils	Village councils	Total
24	129	153

Source: Local Government, Elections and Rural Development Department: Government of Khyber Pakhtunkhwa website. Available at: http://lgkp.gov.pk/neighbourhood-council/

Lungi holders and village councillors both have localised command over several communities. The powers of village councils are similar to those of *Lungi* holders, i.e. ID verification and matters pertaining to local governance. There are two main differences. First, a *Lungi* holder is a hereditary, lifetime position, while the position of village councillor is determined through elections for a period of four years. Elections for village councils are structured slightly differently, as candidates are allowed to

contest on a non-party basis. The second difference is that village councillors have more input into the preparation and execution of village-level development projects.

7.3 Local Political Elites in Nowshera

In the historical account, Javid (2012) tells us that the political settlement in the settled region has been maintained by the politics of patronage, involving the British administration, followed by the Pakistan government, relying on a powerful landed elite. The concept of power and patronage in the post-colonial period of state formation has been explored by Javid (2012) through the examination of the institutional continuity of that landed elite. The author explores how the landed elite that emerged during the colonial period successfully begin to renegotiate their legitimacy with different ruling elites in independent Pakistan. As I explained in Chapter 3, the modus operandi of British rule remained similar in the settled region of the Indian Subcontinent, with the administration channeling the influence of local elites and institutionalised clientelistic politics. The local elites who remained loyal to the administration were rewarded with titles, perks and privileges. In terms of political significance, the landed elites in KPK enjoyed similar levels of political power as the *Maliks* in FATA, but have been identified by different names and titles. Some of the senior titles relevant to the Pashtun region conferred on Muslim subjects are *Khan Bahadur* (meaning 'brave leader'), *Wali of Swat* (as discussed by Barth (1959)), *Nawabs*, and, in other parts of India, *Rai Bahadur* (similar meaning to *Khan Bahadur*) etc. Titles of lesser degree have also been given, such as *Khan Sahib*.

Javid (2012) informs us that, similar to *Maliks* in FATA, since the inception of Pakistan these powerful landed elites reproduced and reinforced themselves as significant power brokers and continue to influence the political process in Pakistan. In present times, the landed elite continue to dominate power politics in most parts of Pakistan, and in shaping the political outcomes in regional politics.

Unlike the political structure of FATA, the settled regions experience democratic-style politics. As a local of the region, I know that a new class of political elites has emerged in the recent past that has considerably affected the hold of the landed elite in the political landscape of KPK province. In particular, the presence of political parties over a long period of time has begun to provide a political space for an alternative power structure, taking advantage of the 'open' electoral system in KPK. In this way, in the settled region I observed a greater range of democratic actors, and that the notion of representation by *Maliks* or the landed elite – which was about tradition, community and identity politics – has therefore become less important.

Compared to FATA, where some elements of morals related to identity politics remain intact, in KPK I observed that these elements are not as strong and things have generally become more competitive. In

the settled region I noted that the meaning of identity remains important, but even more important is the preference given to political candidates who can provide citizens with more access to development projects or social protection. Greater political support is given to political candidates across the ethnic divide, and there is a high variation in intra-clan support. People are competing within the same identity and across identities. The Khattak tribe form the largest ethnic community residing in Nowshera. (Other major tribes there include the Mian clan, Babars and migrants representing other ethnic communities). Elections are often contested by members of all the clans in the community who are associated with multiple mainstream political parties.

In Chapter 5 I noted that in FATA independent candidates continue to dominate the election process. In the settled region, there is a greater acceptability of political parties, or at least their candidates. The figures for the 2013 elections bear out the significance of political parties. There are 35 National Assembly seats in KPK, of which the PTI secured 18 in 2013. Only one independent candidate won a seat. My respondents considered the decision to run as an independent risky, generally believing that most political parties have a developed voter base. The general impression amongst community members is that, since the political parties are more institutionalised and localised, this provides more political and economic opportunities to the community members. It is also understood that the political parties have more power, with access to provincial funds or to links to central government.

I learned from discussions that some landed elites in Nowshera have adapted to the changing political environment. They began to take opportunities by developing relationships with political parties and the federal leadership. In my research constituency in Nowshera district, one family in particular hold on firmly to their influence in regional politics. A candidate from the ruling political party (PTI), Pervez Khattak, won the PK-13 constituency (Nowshera-II) in the 2013 general election. He is the current Chief Minister of KPK. His nephew and son-in-law, Imran Khattak, won the NA-5 constituency (Nowshera-I). The Chief Minister's younger brother, Liaqat Khattak, was elected as District *Nazim*. The family has many shopping markets, cinemas, land and business in construction contracts across Pakistan. Politically the family is well connected with the senior leadership in Pakistan – federal ministers and members of the Senate and national and provincial assemblies. In the senior level of politics in Nowshera, other rich and influential candidates are associated with other mainstream political parties.

The politics of the rest of KPK is also dominated by political parties, as illustrated in the make-up of the Provincial Assembly:

Table 7.6: The Ruling Political Parties in Khyber Pakhtunkhwa Province (2002–13)

General election	2013	2008	2002
Ruling party, Provincial Assembly	Pakistan Tehreek-e-Insaf (PTI)	Awami National Party (ANP)	Muthaida Majlis-e-Amal (MMA)

Source: Provincial Assembly of Khyber Pakhtunkhwa website. Available at http://www.pakp.gov.pk/2013/about-assembly/an-overview/.

The provincial government in KPK is formed of a tripartite alliance between the PTI, JUI and QWP. Table 7.7 shows that no single party has a majority, and the political parties form coalitions (the tripartite coalition has around 59 seats out of the total of 97 regular seats) in order to gain power. The opposition is formed of the JUI-F, PML (N), ANP and other political parties.

Table 7.7: Party Position in KPK: General Election, 2013

Party	Elected
PTI	44
JUI-F	13
PML (N)	13
QWP	8
JI	7
ANP	4
AJIP [65]	4
PPPP	3
APML	1
Total	97

Source: Provincial Assembly of Khyber Pakhtunkhwa website. Available at: http://www.pakp.gov.pk/2013/about-assembly/an-overview/.

The role of Member of the Assembly becomes more powerful in the settled areas. Elected politicians have strong control over access to resources and the local administration is under the control of politicians in the ruling party.

[65] AJIP (Awami Jamhuri Ittehad Pakistan) has now merged with PTI.

Local elections were held in KPK in 2015, two years after the general elections in 2013. From my own informal conversations (as a local) with people, the general impression amongst the public appears to be that the ruling political party often influences the result in local elections. There also seems to be a perception that the general public prefer candidates who are associated with the ruling political party. In Nowshera, the *Tehsil* and village council seats were contested competitively. These councils are made up of elected members from multiple mainstream political parties. However, the ruling political party won most of the top leadership positions.

In my research constituency, four political parties are well supported: PTI, ANP, JI and JUI-F. The village-level elite are younger political entrepreneurs and are effectively associated with one of these political parties. In a sense, a group of established political brokers is emerging in the settled region compared to the political workers and *Lungi* holders in the FATA region. One way of analysing maturity is through links with political parties; the success of village-level elites lies in being part of the networks connected to the main political leaders.

A majority of political brokers I interacted with were educated to college level and had small-scale businesses. Others, associated with religious parties, had an educational background from Islamic *madrassas*. When I examined the source of authority of the political brokers, in effect they are similar to the low- and middle-class political workers described in Chapter 5. Moreover, they have identical roles in a political party and use the same performance-based tactics to gain promotion within it, but they have a much wider range of functions than political workers in FATA.

These operators seek to gain authority through brokerage and access entitlements. My years of observation and informal discussions in the field confirmed that the legitimacy and loyalty of the followers in the settled region remains the same. It includes the ability of political brokers to connect and deliver, but this is more advanced in KPK than in the FATA region. I discuss the modalities of political relations in more detail in section 7.7. First, I describe how significant the *Maliks* are in the political settlement of the settled region.

7.4 The Significance of *Maliks*

Given the nature of this research, I attempt to locate the significance of *Maliks* in this environment. The title of '*Malik*' in the settled region is given to village-level officials, who have the same political role as *Lungi* holders in FATA. I learned in my fieldwork that the factors that kept a *Malik* influential, mentioned in Chapter 6, no longer seem important in the settled region. The *Maliks* in the settled region are more involved in particular local village-level issues, and have no significant access to development funds.

They have even more limited powers, and their role is limited to matters such as signatures on property documents. They are left out of governance, and are seen by political brokers as traditional and out-of-date. The *Maliks*' role in the settled region becomes even less important and significant than *Lungi* holders following the election of village councillors, who then deal with village matters.

The title of '*Malik'* has symbolic significance in village affairs at the local level. The *Malik* command respect locally, and is given informal status to decide on certain local disputes. In other parts of Nowshera, other informal local elites are engaged in informal dispute resolution. One reason cited by people for relying on an informal judicial mechanism is to avoid the high costs of lawyers in court. The village community organise *Jirga* for disputes related to land, money and other local issues. Unlike FATA, where the decision of a *Malik* or the political administration cannot be challenged in the higher courts, village members in Nowshera can by-pass these decisions, and have the right in law to take disputes to the state courts system.

The *Maliks* have gone down in the bigger political arena, and have been quietly overtaken by powerful party-political brokers who are now taking control of the political system and political administration. As discussed in the previous two chapters, money and political entrepreneurship are important essential skills needed to gain legitimacy and authority. In the settled region it seems that, in addition, it is much more important to have legitimacy through party-political connections. In a way, as I will be explaining in the following sections, the clientelistic structure remains in the settled region and is to an extent becoming more influential by throwing up new actors and processes.

7.5 The Significance of Political Brokers

I have described that the significance of political brokers is greater in the settled region than in FATA. The political brokers have firm control over the political process and access to brokerage. I noted that they have more political skills and have become better orators compared to political workers or *Lungi* holders in FATA. There are other signs that the KPK is more 'settled'. In FATA, gaining loyalty and legitimacy is about money and rhetoric, and the political workers and adaptive *Maliks* have started developing links with political parties. In the settled region, I discovered that access to brokerage is now held by political brokers who have greater recognition and support from the political parties. From my discussions and observations, I learned that a key attribute of legitimacy of leadership for the political brokers is about bringing development projects and resources to the local community. More specifically, access to key resources is operationalised by political parties through political brokers. The political

brokers are working on local bargaining and negotiations, manipulating these resources to the particular advantage of the people they want to keep loyal.

The next section examines the case study of a dam project to illustrate these dynamics around legitimacy and loyalty. The case study raises issues of disputes, cooperation and resettlement in the context of who controls power and access. Moreover, it is useful in examining the nature of political brokerage, in a context now dominated by the party-political brokers. I begin with a brief introduction of the case study and go on to examine how political brokers consolidate their power.

7.6 Introduction to the Dam Project

In 2013 when the present government of PTI came into power in KPK, the government initiated a dam construction project in Gul Dheri, a village located in District Nowshera. Gul Dheri is the constituency of the incumbent chief minister of KPK, who has considerable and long-standing political support in the village. The village comprises a tightly knit inter-family population. The majority of the population are farmers and their primary source of income is from livestock and subsistence agriculture.

The sole purpose identified in the project document was that the dam would enhance the village's water supply, allowing farmers to benefit by being able to cultivate barren land and with it increase agricultural output. The dam is constructed among low hills (see photograph below), which are considered uncultivable because there is no electricity or road network.

Dam under construction at Gul Dheri, Nowshera, KPK. Source: Available at: https://www.facebook.com/peskpk001/photos/pcb.810100889103716/810099382437200/?type=3&theater (Pakistan Engineering Services Pvt. Ltd.)

The enhancement of water capacity has been a long-standing demand by residents as the village is surrounded by low hills. Most of its 1,473 acres of land is not cultivated.

In 2013, the Deputy Director of Planning and Construction, Small Dams Division of the Peshawar District government submitted a draft notification U/S-4 under the Land Acquisition Act (LAA) 1894 to initiate acquisition for the dam project. An area of 100 acres was acquired for the construction of the dam. The land revenue office in Nowshera was directed by the planning and construction department to provide the average land rates in the village. The official procedure of the revenue authorities for furnishing the average cost of land rates is based on *Yaksala*, worked out by calculating the purchasing rate of land sold in the years preceding 2013. In the award, the acquisition rate for land was fixed at 2,803 rupees (roughly £19) per *Marla* (448,480 rupees – roughly £3,000 – per acre). My respondents told me that the true value of land is in general inaccurately reflected in *Yaksala*, since people show lower purchasing prices in official documents to avoid taxes. Draft notification U/S-5 was subsequently issued and signed by the Commissioner of Peshawar Division in September 2013.

7.6.1 Understanding Acquisition Payments

The land acquired for the dam is communal land (wasteland belonging to the village which is supposedly shared equally amongst members of the community), also called *shamylat* – a term introduced during British times. The total communal land in the village covers 1,435 acres. The law relating to the distribution of communal land varies in different parts of Khyber Pakhtunkhwa province. The legal distribution of such land is specified in an important feature of land revenue documents called *'Wajib-ul-Arz'.* This document specifies that in some areas the land distribution is determined by *'Khewat'*, i.e. the rightful pro-rata share is attached to the amount of exclusive land ownership. A *Khewat*, or holding, is a unit of agricultural property that is either exclusively owned or co-owned by a number of individuals. The local name in official documents for the owners of the holding is *Khewatdar*. The *Khewatdars* are generally considered *Malkan Deh*, or owners of the village. In other areas the distribution of communal land is attached to registered dwellings or families residing in the village and is equally distributed amongst these families.

A closer look at the *Wajib-ul-Arz* of the village, and discussion with office staff and respondents, revealed that the law governing distribution of *Shamylat* land is ambiguous.[66] The confusion has been over interpreting the legal terminology used in the *Wajib-ul-Arz.* Most land revenue officials and village

[66] In my research fieldwork, I spent a lot of time understanding the *Shamylat* law. I made contact with lawyers, *Patwaris* (village registrar or accountant), *Tehsildar* (district land revenue official in charge of revenue collection) and other relevant people. I read various settlement manuals specified for different villages, available from the land revenue department. In addition, I conducted a secondary data analysis concerning land administration and settlement manuals.

community members I spoke to told me that the *Wajib-ul-Arz* does not 'clearly' specify the word *Khewat* or the distribution of communal land per family. Some respondents interpreted the distribution of *Shamylat* land as being 'per registered family'. These respondents told me that the distribution and ownership of communal land in the village should be understood as I have shown in Table 7.8.

Table 7.8: Communal Land Distribution per Registered Family, 1928

Total area of communal land (A)	No. of families registered in 1928 (B)	Ownership of communal land per family (A÷B)
1,473 acres	40	36.8 acre per family

In my fieldwork, I learned through detailed discussions with a number of experts in land settlement and community members about how families were registered in the 1928 settlement documents in the village. I discovered that the families registered in 1928 were based on asset holdings, i.e. land ownership or livestock etc. In addition, the married siblings of landowners were also included in the registered families. It became clear that that a majority of the families registered belonged to five brothers and their respective family members.

Others understood the communal land distribution as being per *Khewat*, or exclusive land ownership. Around 38 acres of land in the village has been exclusively owned by four individuals as per 1928 settlement records. I have identified the owners and their land occupation in Table 7.9.

Table 7.9: Exclusive Land Ownership in the Village

	Land ownership in acres (rounded)
Owner 1	23.5
Owner 2	8
Owner 3	4
Owner 4	2.5
	38

Taking the exclusive land ownership of the four owners identified in Table 7.9, Table 7.10 lists how the distribution of communal land can be apportioned between them using the *Khewat* method. An important feature of understanding the distribution per *Khewat* is to derive the correct pro-rata share of communal land attached to the amount of exclusive land ownership. This is found by dividing the total

communal land by the amount of land in exclusive ownership. A standard rate of communal land is then derived and attached to each acre of the land owned by individuals.

Table 7.10: Communal Land Distribution per Khewat (rounded)

	Land unit number	Land ownership in acres (a)	Pro-rata attachment of communal land for the village (b)	Total communal land apportionment for *Khewat* holders in acres (a × b
Owner A	1	23.5	37.8	890
Owner B	2	8		300
Owner C	3	4		150
Owner D	4	2.5		95
Total		**38**		**1,435**

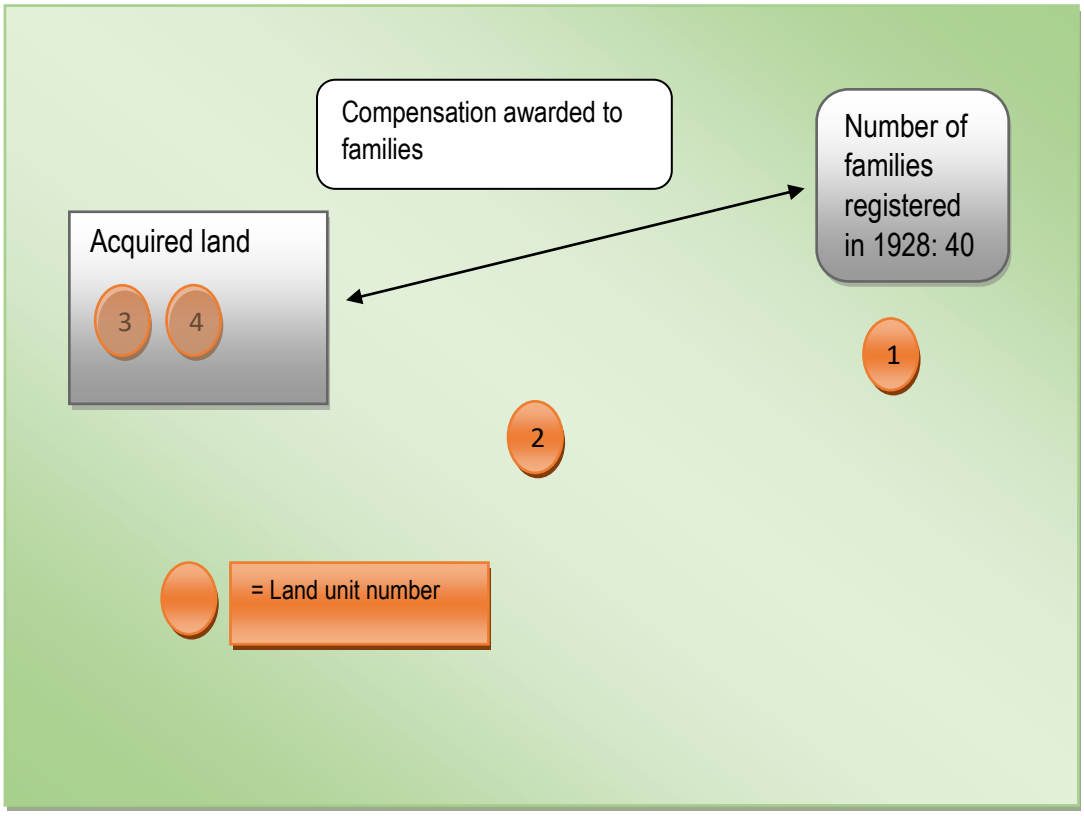
Table 7.10 identifies the list of owners and their rightful share of communal land according to the 1928 records. It shows that, through the *Khewat* method, four exclusive landowners have the greater share of landholdings in the communal land. Since 1928, owners A and B have sold their exclusive land (23.5 acres and 8 acres, respectively). Both sold their land along with their share of communal land, i.e. 890 acres and 300 acres respectively. The new owners, X and Y, became entitled to both the exclusively owned land and the communal land. Until recently, the landholdings of owners C and D have remained with the heirs of the original owners; C's land belongs to the village *Malik*. The land units of owners X and Y are situated in the area of the village on the plain, while the land units of owners C and D are located in the hills.

Prior to this transaction, exclusive land ownership in the village had been within the village community. Owners X and Y came from elsewhere, and in my fieldwork I found that members of the village community often labelled them as 'outsiders'. This term was significant as the village community believed the distribution of communal land should be according to the families registered in the 1928 land settlement records. Despite the fact that owners X and Y purchased the land, along with communal land, their names were not transferred into the 1928 settlement records. I learned in my fieldwork that, in areas where communal land is distributed by family, the names of owners who sell their land along with communal land are removed from the family list and those of the new owners are inserted. Officials cited 'administrative errors' and told me that these errors could only be corrected in

the formal state courts. Hence, according to the available records, the previous owners A and B were entitled to compensation in line with the 'per families' method.

Figure 15 illustrates the distribution of exclusive land ownership (unit holdings 1, 2, 3 and 4) and clarifies how compensation payments to families work. Land units 3 and 4 lie in the hills and were initially omitted from the dam-related acquisition, but their eventual inclusion was negotiated through the political broker. The feasibility report was deliberately changed to benefit the owners of these units.

Figure 15: Distribution of Exclusive Land Ownership



The interpretation of communal land laws had a direct impact on compensation payments to community members. The distribution per families is a straight forward process (Table 7.11).

Table 7.11: Compensation for Communal Land Acquisition and Rightful Owners, per Family Dwelling [67]

Total compensation	Number of families	Share for each family
£330,000	40	£8,250

On the other hand, compensation payments per *Khewat* show that *Khewat* holders – including the new owners X and Z – are the main beneficiaries (Table 7.12).

[67] Compensation paid in Pakistan rupees; converted to UK pounds for convenience, at 2016 rate.

Table 7.12: Compensation for Communal Land Acquisition and Rightful Owners, per Land Ownership

	Rightful ownership share in dam (pro rata, acres) (a)	**Per acre acquisition rate (b)**	**Total acquisition payment (a × b)**
Owner X	68	£3,000	£204,000
Owner Y	23	£3,000	£69,000
Owner C	11.5	£3,000	£34,500
Owner D	7.5	£3,000	£22,500
Total	110		£330,000

In June 2014, the Land Revenue Department issued a notice (U/S-9) under the LAA asking the landowners in the affected villages to submit their claims or objections. Landowners (or members of the village community) attended the court either individually or through 'authorised agents'[68] requesting the amount of compensation to be decided on the basis of families listed in the 1928 settlement record. In response to the village community's demands, the department issued a notification to disburse payment to the families. My respondents told me, on condition of anonymity, that the distribution of compensation payments had been negotiated informally between a political broker named Akbar, associated with the District *Nazim* and government departments. The next section describes these informal processes and explores how the development and dam project provides opportunities for power and legitimacy for local elites. It also highlights how land rights are defined subject to the ways in which the local elites use their power to negotiate an outcome favourable to themselves.

[68] The authorised agents had to provide approval in the form of signatures by the female and illiterate members of the village.

7.7 Negotiating Legitimacy and Loyalty: The Significance of Networks

The political brokers mobilised a number of wider networks in formal and informal institutions, such as politicians, land revenue officials and members of the village community to consolidate power. This section discusses how the dam project provided opportunities for power and legitimacy for political brokers, and privileged those affliated to the district *Nazim*.

In Nowshera District, the *Nazim*, Liaqat Khattak, is considered a powerful patron, and the last word in terms of decisions and powers related to district governance matters. While the village community were observed to be dependent on the role of political brokers for access to public offices and development resources, the political broker's access depended on the support of and association with political parties.

The political party facilitates those party workers or brokers who provide them with mid-level access points for voters – a feature that is beginning to appear in the FATA region. My observations and discussions in the field revealed that the relationship between political broker and political party is shaped by reciprocity as opposed to merit, i.e. the ability of brokers to build up a 'vote bank' and manage social order in return for provision of access to development funds and public officials in daily routine governance matters. In my research site, Akbar had been nominated by the *Nazim* to manage development projects within the region. I had numerous informal interactions with Akbar. He introduced himself to me as an aspiring politician with strong political connections to the KPK Chief Minister (CM). Akbar told me that historically, and also during the general elections of 2013, he had used his influence to accumulate votes for the CM. For this reason, Akbar and his friends were known locally as 'the CM group'.

With access to development funds, Akbar became a suitable point of contact for the village community and a local patron for the citizens, who became dependent on him as the eligible representative in village affairs. In Nowshera, community dependence on a leader is considered a 'social norm' and part of a loyalty system. Akbar, along with other influential local people including a *Malik*, successfully negotiated (through a local *Jirga*) with a section of the village community (mostly their near relatives) their selection as eligible authorised agents over the dam compensation payments. There were other political brokers who became authorised agents for other sections of the village community, particularly those who were close to them. Consequently, all the information related to land acquisition payments rested with these political brokers.

One key way for political brokers to gain loyalty is by using their political skills to facilitate their followers in development projects. In previous chapters I have highlighted that, in the FATA region, personal

money and social welfare is an important resource for achieving legitimacy of leadership. These are important in KPK too, but more important for local elites here is to facilitate clients over development projects. Access to development funds puts political brokers in a strong position to redistribute the benefits of development projects amongst favoured members of the village. In the development projects of which Akbar has been in charge, his ability to negotiate shares with the village elites enabled him to control opposition to his authority and support at the local level. The support given to Akbar by the *Malik* and members of the village community was negotiated, I was told, through a settlement involving an agreement between the parties to facilitate the inclusion of unit 3 (belonging to the *Malik*) in the land demarcated for acquisition. I learned from both enquiry and observation that the village community wanted their land to be included in dam-related land acquisitions, as they understood that land in the hills was less valuable in monetary terms and the state was offering better prices for land acquired for the project.

The land acquisition process involved the state seeking the expert opinion of a third party, the Institute of Geologists, over land demarcation. The institute conducted a feasibility study, and a list of the *Khasra* (land units) to be included was forwarded to the relevant department. The study did not include units 3 and 4 (belonging to the *Malik*) in the initial demarcation. I heard from officials and community members that Akbar persuaded the department to include the *Khasra* belonging to the *Malik* and unit 4, both of which are located in the hills. Akbar and the 'CM group' paid regular visits to the District *Nazim*, who in turn contacted the relevant departments to progress the matter.

The Deputy Director P & C Small Dams requested the Commissioner of Peshawar Division to approve certain amendments to U/S-4. These highlighted 'administrative errors' and requested the Commissioner to include *Khasra* 3 and 4, describing them as 'initially being left out' of the notification. In January 2014, after the proposed amendment to U/S-4 had been made, the Commissioner issued and signed U/S-5, and the land acquisition costs of the project, totalling 52,000,000 rupees (about £350,000), was deposited in the government treasury.

I learned from official documents about the dam project that the owners of units 3 and 4 were made eligible for the payments shown in Table 7.13.

Table 7.13: Negotiated Land Reimbursements

	Land ownership	**Share for each family**	**Total**
Unit 3	£34,500	£8,250	£42,750
Unit 4	£22,500	£8,250	£30,750

Akbar's connections with politicians in power enhanced his influence in village governance affairs. The shift in control over access and brokerage described in this chapter reflects that the dominance of *Maliks*, who once had overriding powers over access and brokerage in FATA, seems to be in decline in the settled region as the political parties rely on political brokers to further their political agenda.

The following section elaborates on the significance of development projects for political brokers.

7.7.1 Attracting Development Projects

The significance of political brokerage became clear to me in the early part of my fieldwork. One of my conversations with Akbar highlights the significance of development projects for brokers' legitimacy and loyalty. After I was approached by Akbar, we had the following conversation, which I took noted down immediately:

> *Akbar (shakes hands)*: Brother, I am Akbar. I am a political worker. I have seen you here for few days. Is there anything I can do for you?
>
> *AS*: Thank you … I am Abid. I am the son of … and related to …
>
> *Akbar*: Yes, I know them …
>
> *AS*: I am an academic researcher. I am exploring political reforms and leadership in FATA … but also, I am visiting here to explore the impact of the dam project initiated by the PTI government.
>
> *Akbar*: Why the dam, brother?
>
> *AS*: You see, I have heard the dam is a good project initiated by the government. So I want to see how the government conducts development.
>
> *Akbar*: I have been visiting this office for the past two years to manage the dam affairs for the village community. I am the PTI general secretary of the village. You can ask me … I am the one who brought the dam project to the village.

Akbar frequently used the term 'I brought the dam project' in the rest of the conversation. Local brokers use development projects to build their profile, and in the process stregthen their hold over access to and participation in local governance matters.

Moreover, I found that political workers in KPK have now started to develop greater political skills than in FATA. In Chapter 5, I pointed out that political parties are new to FATA and, as a result, recruit new members at village level through a 'formal' process to establish a political base. In the settled region, there is more competition for these positions at the local level and I observed that this competition has evolved and changed the nature of political relations. One important skill that reflects the changing nature of political relations is the way in which these actors begin to 'negotiate' authority with political parties. The political brokers I observed utilise multiple tactics to extract favours from politicians.

An important way of deriving authority for political brokers is to mobilise members of the community. Barth (1959) showed that the Pashtun region generally operates within groups to demonstrate strength

with which to influence events. One such tactic I observed was that local political brokers would arrange vehicles to carry 10 to 15 villagers to put pressure on (or, as some respondents put it, 'politically blackmail') the *Nazim* or officials. Community members often told me they believed that a group's strength was used to demonstrate a potential gain or loss of voters for the politicians. Village members understand that putting a group of complainants in front of politicians is a good way to negotiate with them. Akbar told me that, despite being a member of the PTI, he used similar tactics. It is due to such efforts, and acknowledging his association with the *Nazim*, that Akbar gives himself credit for pressuring the CM and 'bringing' the dam project to the village. Consequently, Akbar considered it his right to be a decision-maker in issues related to the dam project. The inclusion or exclusion of *Khasra* (as discussed above) in land acquisition was negotiated with the relevant authorities using similar pressure and tactics.

7.7.2 Managing Disputes

Disputes in village life at my research site are a routine occurrence. An important skill for political brokers is to demonstrate their ability to exert power, in the ways described by Lukes (1974). The village community and the officials of various departments described Akbar as a *'Badmash'* (akin to gangster or blackguard). *Badmash*-type figures are part and parcel of political life in the settled region, as politicians rely on their ability to control the village community and gain support for the political party.

These *Badmash*-type figures, or specialists in violence, are known by different names throughout South Asia, and are generally thought of as a product of party-political systems. For instance, Devine (2007) examines the role of these figures in Bangladesh, where they are known as *mastaans*. Similar to what I observed in the settled region, Devine (2007) finds that as the party-political system becomes localised or decentralised it produces organised groups such as *mastaans*. He further notes that in Bangladesh the party-political system allows citizens to exercise their political rights but, more drastically, it has resulted in a violent form of politics often dominated at the village level by these *mastaan*-type figures. The *Badmaash*- or *mastaan*-type figures are feared within local communities and are involved in organised crime. Moreover, Devine finds considerable overlap and interaction between the political parties and *mastaans*, and the ways in which they complement each other by looking after both their interests (ibid.). Devine describes their relationship as reciprocal, with the political parties deploying *mastaans* who help ensure the parties' control over the population in their constituencies. In return, *mastaans* use their relationship with the political parties to strengthen their political legitimacy or to gain various economic benefits (ibid.).

In Chapter 4, I discussed features of power and impression management. In my research site, one way for individuals to manifest power is by their physical appearance and material possessions. Akbar is a tall man, and heavily built. His physical features have been interpreted by the local community in numerous ways, some identifying him as 'dangerous' or 'annoying', and some even going as far as to label him 'untrustworthy'. Members of the community close to Akbar see him as 'active', 'kind', and as someone who 'cares for the poor'. In all my encounters with Akbar at the *Tehsil* administration office, I observed that he was accompanied by four or five people from the village community. He drove a recent model of Toyota Corolla, wore sunglasses, new white clothes and shoes – and was armed with guns. All these features, together with his connection to the mayor, added up to him being described as 'well connected', 'well off' and 'the mayor's right-hand man'.

An important part of violence management for these political brokers is to resolve local disputes arising from the mismanagement of development projects. This includes dictating terms to officials in government departments and dam project construction contractors, for whom one common perception developed has been: 'He is the CM's man, and let's get his work done'. I heard on a number of occasions from officials that they 'feared' the political broker or were uncomfortable with his presence in the office. On the other hand, I heard from Akbar on several occasions that it was necessary to put pressure on officials, as they would otherwise neglect the village community and delay project payments.

Officials and members of the village community openly confessed in informal discussions with me and among themselves that the dam project has become a means for the 'CM group' to enhance their economic base through development projects. One form of wealth accumulation cited by these respondents has been Akbar using his political power to force government officials into making informal 'security' payments to him. I was told that on numerous occasions Akbar had stopped construction of the dam to put pressure on the contractor to pay money for 'security'. This is considered illegal. However, the CM group considered the security money as a form of protection given to the contractor, or a 'punishment' for the use of low-quality materials (as Akbar interpreted it).

7.8 Disputes, Politics and Legitimacy: A Test Case

Devine observed in the context of Bangladesh that, since the political parties produce *mastaan*-type figures and are engaged in violent disputes over access to resources, this makes violence become 'more embedded in the political fabric of society' (2007, p.24). These observations resemble the rhetoric adopted by *Maliks* in FATA, as we saw in Chapter 6. Here my aim is not to validate the claims

made by the *Maliks* or new political elites, but rather to seek to understand the micro-level politics and the role of local elites in conflict situations.

In section 7.6, I discussed the ambiguity in the law over the allocation of communal land in the village of Gul Dheri. There were two owners, who had been labelled 'outsiders' by the village community and were not included in land acquisition compensation. These were the owners of units 1 and 2. One day, while I was sitting in the land revenue office, I saw a group of disgruntled individuals who collectively lodged a complaint against the nature of compensation settlements. These people had three complaints. The first was about the misinterpretation of communal laws. They believed that an informal arrangement had been made between Akbar and the revenue officer that wrongly entitled the families listed in the 1928 settlement record. Instead, these individuals were of the opinion that the communal laws were based on *Khewat* or land ownership. The second issue was over mismanagement of the land records over time. The complainants brought to the officials' attention that Akbar was the grandson of the owner of unit 1, who had sold all his property in the village. The individuals continued that, since Akbar's grandfather had sold the land along with communal land, Akbar and members of his group had no right to dam compensation payments. The third complaint related to the communal land that was acquired for the dam project. The individuals kept asking the officials to explain why they were not entitled to compensation payments even though some parts of the communal land (which were registered in their names) had been acquired for the dam.

The official version I heard was that the payments were awarded to 'families' registered in 1928, and since the names of the present individuals were not registered the officials were unable to assist them. The complainants' counter-argument highlighted that the onus was on the land revenue office to make the necessary corrections in land settlement documents. One of the vocal local residents threatened that the group would expose the nature of the illegal arrangements between Akbar and the land revenue officer. I heard the complainants shout that revenue officials had stuck a deal with Akbar, i.e. a percentage of each payment was shared with the *Patwari* and *Tehsildar*, and for this reason the legitimate beneficiaries were being marginalised. The disgruntled group threatened to file a complaint against the officials with the anti-corruption department. In response, the officials tried to pacify the complainants, and assured them that they would look further into their case for compensation.

The intervention of aggrieved individuals complicated the nature of the informal arrangement between the revenue officer and the political broker. Payment to the aggrieved group posed three potential problems for Akbar and the village community. First, any payment to aggrieved individuals over exclusive land ownership meant that the share of equally distributed payments to the rest of the village community would be affected. Second, it signified a threat to the authority of the political broker. And

third, it could potentially open a Pandora's box related to the mismanagement in land revenue records over time. In situations such as this, the community members expected the political broker to demonstrate his influence in wider circles by preventing any such payments to the aggrieved individuals. This was the domain in which Akbar could demonstrate his strength and legitimacy to compete against and win over rivals, which would gain him gain loyalty and followers.

The general perception in the village was that Akbar had a strong relationship with the land revenue authorities, as he had been negotiating with them over other development projects so the land revenue officer could facilitate him. Most of my respondents had been unaware of 'backstage' events between Akbar and land officials taking place in the reworked political environment. I observed that there was increased pressure on Akbar from the village community as their dependence on compensation payments remained significant. They told me that they needed the compensation because they were poor, but had been waiting two years for payment, and that the dispute was causing more delays. They demanded a speedy decision to generate the money needed to fund their agricultural activities. In my subsequent visits, the village community expressed frustration and anger over delays in payments. Some villagers who had been loyal to Akbar started to blame him for delaying the process. They told me that Akbar had alternative avenues for making money, as he was dealing with other development matters in the village. Hence, delays in payment meant a significant loss to the village community, not to him.

In response to these concerns, Akbar lobbied vigorously to ensure that payments to groups opposing him were blocked. He would often employ similar tactics to pressure politicians to use their influence over land revenue officers. I saw Akbar and his men approach the *Nazim*'s office, which was located near the revenue office, and they asked the *Nazim* to deliver a message to the revenue officials. As I was sitting in the revenue office, I saw the officials receive a phone call from the *Nazim*, after which efforts were made by the officials to defuse the dispute amicably in favour of the political broker.

After observing these events and debates as they unfolded in front of me, the aggrieved individuals continued to blame the nexus of *Nazim,* political broker and revenue officials for mismanagement of land and rights entitlements. The complainants understood the officials were using the formers' inability to understand complex legal rules to create room for their personal interest. The following statement by one respondent illustrated their position:

> We are poor people with little knowledge of land revenue laws. The *Patwari* and *Tehsilar* have better knowledge of the laws, and are manipulating to take money from us. They [the officials] are under the influence of the CM, and only give time to Akbar and his men, because these men have the *sifarish* of CM. (Interview (respondent requested anonymity), 19th March 2015)

My respondents understood that the revenue officials' superior knowledge put them at an advantage. The officials used knowledge as a potential avenue for rent-seeking from the affected parties. Often, the citizens find it best to defuse the seriousness of the dispute, and I was told that they unwillingly pass the decisions to other officials to act as arbitrators. The mismanagement of revenue records over time also weakens the ability of the interested parties to dictate terms to the officials. As a result of all this, the citizens avoid approaching the formal court system. In this regard, I wanted to know from the aggrieved individuals why they would not file a case in the formal courts. Their reply is summed up as follows by my respondent:

> The court system takes ten years to decide an issue. I cannot wait that long. Nor have I the money to pay the lawyer's fee. (Interview (respondent requested anonymity), 3rd April 2015)

As a local of the region, my respondents' responses on the political, legal and financial constraints were familiar to me. In a way, I could relate to these constraints about the nature of problems that the citizens face in confronting powerful politicians and brokers. When I inquired further as to what were the obstacles to approaching the Chief Minister and making a complaint about mismanagement, one respondent replied:

> Why would the CM give me time? He knows in the last elections I did not vote for him. The whole project has been hijacked by his men. (Interview (respondent requested anonymity), 13th April 2015)

The modus operandi of the *Nazim* in the district was believed to be about development projects, and to reward their political supporters. In other parts of the district, most respondents told me the *Nazim* had initiated similar land acquisition projects to benefit their clients. In the discussion above, it seems to be becoming clearer that the support of a political party at the village level to loyal party workers has produced a conflict of opinion within communities. The discussions below will reflect an interesting case exploring the kind of strategies employed by the aggrieved individuals to contest Akbar's increasing powers of.

7.8.1 Negotiating Power and Control over Resources: Association with Political Parties

In the view of North, Wallis and Weingast (2009), violence increases when there is a lack of elite consensus over the nature of benefits. In Chapter 2, I introduced the concept of factionalism, in which explanations were given by most scholars on the subject of community division developed in relation to access to political and economic opportunities. Some of the discussions showed that community groups mobilise against the existing pattern of political settlement when they are faced with a situation in which they feel marginalised (North, Wallis and Weingast, 2009; Khan, 2010). Moreover, the previous two chapters discussed the rhetoric of political actors who link the party-political system as a

phenomenon that opens up the political landscape in FATA and, in theory, will provide citizens with more choice and political rights. The *Maliks*, on the other hand, adopted a narrative that the intrusion of political parties ruptured the traditional mechanism of social order, in which they had a significant role that glued society together. In addition, the *Maliks* pointed to the increasing divisions in the community caused by the political parties.

In the political administration office, the events that followed showed a powerful picture as it became the arena for a political battle involving the brokers of multiple political parties. The aggrieved group criticised the ruling party for nominating Akbar as a suitable representative. They saw increased access to Akbar as the ruling political party producing a mafia-like political figure in the village. Increased access to Akbar became a source of dispute amongst families in the village. These groups frequently threatened each other by taking legal action, or they sought to involve the regional party-political elites in resolving the issues.

In order to tackle the growing power of the 'CM group', the aggrieved group mobilised itself to form a pressure group against the ruling party. First they wrote to the Deputy Commissioner/revenue collector requesting a quick resolution to the matter. The application was written during the earlier part of my fieldwork in Nowshera. I was told that it remained filed in the Deputy Commissioner's office for some time without being considered. Members of the village community referred jokingly to the neglect of the filed application, suggesting that 'the file need tyres' – indicating that the informal influence of more powerful elites might speed up the process. Others suggested 'it must be binned' or 'it needs Quaid-e-Azam' – referring to the use of Pakistan's currency, which bears the picture of Jinnah – to ensure the file was dealt with. The group told me that, since the appointment of the Deputy Commissioner was influenced by the District *Nazim*, the officials gave preferential treatment to their favoured party workers.

In such a situation, individuals seek alternative channels to challenge the existing pattern of distribution. The aggrieved individuals approached opposition politicians. Alliances with opposition parties were built around the local elections that were contested immediately after the initial phase of disbursement of compensation payments. The ruling party had nominated Akbar to run the election for the position of village *Nazim*. The aggrieved group initiated a campaign against him to demonstrate the strength of their vote and dissatisfaction over village affairs. They mobilised community members in the village, which included inducting local elites in support of the opposition political party. This became an opportunity for three opposition parties – the ANP, JUI-F and Pakistan People's Party – to form an alliance against the ruling PTI.

In the settled region, I observed that all political parties recruit new members from households that were once tightly-knit communities operating under a village tribal elder in FATA. As *Maliks* had pointed out, the PPA and community division poses a threat leading to the reworking of the traditional ways of conducting politics in FATA. The decision by the aggrieved group to seek an alliance with the opposition candidate seemed to have benefits for both parties – in the 2015 local elections, the ruling party received little support in the village, and Akbar lost by a large margin. On the other hand, the opposition parties increased their pressure on the local government to consider the case of the individuals aggrieved over the dam project.

Other ways that the aggrieved group sought resources included employing tactics similar to those of Akbar and his group. This included recruiting new members into the group, increasing their capability for violence, and putting pressure on the district mayor. In one example of such tactics, the group arranged for three vehicles carrying around 20 members to approach the Chief Minister during the funeral ceremony of his brother, which was attended by thousands of people including all the local elites. The group started complaining to the CM in front of this audience. An individual who was leading the group began shouting, and raised the issue of corruption in the dam construction project. To avoid embarrassment, the *Nazim* and the CM tried to pacify the disgruntled group and assured them that payments would be made on merit, according to law.

The ruling party had suffered a significant fall in votes during the local elections. In one of my meetings with the *Nazim*, he told me that the dam project was a priority for them to rectify mismanagement in the village's affairs. For this purpose, the CM and the *Nazim* both ordered the Deputy Commissioner to initiate an inquiry. In addition, the mayor issued verbal orders to suspend the accused land revenue officer. His suspension was seen as a victory for the aggrieved group against the power of Akbar. It was also seen as a potential boost for the group as suitable representatives in the village – a demonstration of strength.

Khan (2010, p.68) says that variants of 'competitive' clientelistic political settlements emerge when the ruling elite has to deal with the complexity of accommodating all factions in state redistributive benefits. The decision to initiate an inquiry effectively protects the position of the Mayor in two capacities. First, the *Nazim* explained to me that an official inquiry was an appropriate 'balancing act' in reaching a settlement. The village community interpreted the decision as a 'political' solution, and felt that a 'personal' decision in favour of aggrieved individuals would have had a dual effect on the mayor's political position. My respondents explained this dual effect thus: a 'personal' decision could have resulted in extra votes in the form of the aggrieved group, but could also have resulted in a potential loss of loyalty towards the 'CM group'.

In the above account, it can be seen that when the party-political system is employed at the grass-roots level, there are groups who begin to develop networking with the political parties. This is another way in which the use of networks by the community is changing. In the settled region, the political broker's abilities are put to use to negotiate an amicable solution in handling the complex web of uncertainty surrounding compensation payments. Thus, legitimacy and loyalty, while on the one hand related to extending favours to members of the community, on the other is also meant to manage disputes.

The ability of local elites to channel the dispute on a formal, institutional front is an important protection against the nexus between the land revenue office and political brokers. The indirect pressure applied via the anti-corruption department and the *Nazim* helped the land revenue officers to convince Akbar to negotiate with the aggrieved group on favourable terms. In order to avoid further disputes, the land revenue officer held one-to-one meetings with both parties, and a compromise was reached. It was decided that the aggrieved group should be compensated, and they received a voucher amounting to the value of the communal land acquired. In addition, the village community were also given vouchers equivalent to their shares on a per-family basis. A formal written agreement was signed between the aggrieved group and the political broker and his associates, which included an undertaking from the latter to take full responsibility for all village disputes arising as a result of the payments.

Moreover, it was agreed that the parties may consult the Pakistan District Court to ascertain the 'true' interpretation of communal land distribution for the village, i.e. whether the distribution should be on a *Khewat* or a 'per family' basis. I have remained in contact with my respondents since my fieldwork in both FATA and KPK, and I heard from those in KPK that a case has been filed in the state courts, and the formal process has been going on for two years.

7.9 Conclusion

This chapter has discussed the way in which politics has evolved in KPK and highlighted the differences between the political settlements in FATA and KPK. The local elites in both regions use similar strategies to emerge as successful political figures. Legitimacy, loyalty and exchange of resources are key to the way that political elites fashion themselves in both regions. A key difference from FATA identified in this chapter is the different set of networks and political relationships that local leaders deal with to maintain their authority. The final two empirical chapters (6 and 7) show the ongoing relevance of loyalty, networks and rhetoric as successful legitimacy strategies in FATA. Chapter 7 reflects the presence of similar analytical tools as being essential for the success of local elites in the settled region. In particular, the chapter illustrates that the key part to effective and

successful operation of local elites is their networking role. The increasing importance of networking reflects that the political brokers have developed better political skills, and also indicates that the KPK is a more settled society, incorporated into the party-political system. The real loyalty and money in these more settled societies now lie with higher-order politicians, and the successful local political broker is the one who makes best use of his connection with politicians.

Moreover, this chapter has illustrated that in the settled region the political broker has taken control over local governance and the *Malik* is no longer significant. The political brokers identified in this chapter have identical roles as the political workers identified in Chapter 5. Using a dam construction project as a case study, I have shown that the political brokers are successfully negotiating their legitimacy and loyalty within this new political structure.

Chapter Eight: Summary and Conclusions

8.1 Introduction

This thesis has described the impact of the introduction and implementation of the PPA on the configuration of elite leadership in the FATA region. The thesis offered an analysis of the evolving governance dynamics by looking at a set of key institutional reforms in FATA, and emphasised the intermittent nature of problems associated with the PPA and the local elites that are affected by it or who impact upon it. The empirical chapters, together with Imran's account in the Introduction (Chapter 1), gave an insight into the local effects of the political reforms, and the ways in which power, politics and leadership are negotiated, contested and reworked by local actors in the FATA region. As such, these political reforms are liable to redraw local power arrangements. The central theme of this thesis, therefore, offered a first detailed account to explore how the local elite in FATA understood the PPA and strategised in response to its extension to legitimise their role as eligible leaders.

The overall theme of the thesis was explored through three questions posed in Chapters 1 (Introduction) and 4 (Methodology):

1. What have been the main political impacts of the PPA in the FATA region?
2. How has the introduction of the PPA influenced the configuration of elite leadership in the FATA region?
3. What does the extension of the PPA in the FATA region tell us about the prospects for wider governance reform in the FATA region?

The objective of the first two questions has been achieved by demonstrating in the empirical chapters that the extension of the PPA opened up new leadership opportunities for citizens other than *Maliks*, taking advantage of the PPA process. The extension of political reforms introduced new actors who, in an attempt to secure loyalty and legitimacy for themselves, have adapted to the traditional informal processes of access and success. In effect, the mechanism through which the local elites achieve loyalty and legitimacy in FATA remains the same as in the past – i.e. the *Maliks* worked on the principles of loyalty, networks and rhetoric – but following the introduction of the PPA the scale has just got bigger. More money is used, and more networks are developed and utilised. The rhetoric has changed. In the past it was about traditional authority and traditional moral values; now it is about democratic citizenship, public welfare etc. Hence, while the PPA seems to have transformed the institutional structure, and has introduced new actors, some *Maliks* still participate, too. Social and political relations, and hence settlements, continue in *informal* ways, reflecting the PPA's continuity as much as its transformative role.

Chapter 7 showed that there are significant differences between the political systems in FATA and in the settled region. In the latter, the significance of *Maliks* has been reduced and the role of political brokers has grown in importance. The latter gain their legitimacy and power through informal means by using their stronger networks and links to political parties. Applying the broader reflections in Chapter 7 to FATA shows that, on the one hand, the PPA seems to be bringing change in FATA, which can be quite significant in terms of changing the political landscape. But when we look at the process behind the change, we start to see similarities as well as change. Hence, understanding change, and political reforms from the perspective of local elite interaction and strategies shows that the effect on social and political relationships in FATA of extending the PPA is just as likely to be continuity as it is change.

The rest of this chapter discusses the themes in the conceptual framework and empirical chapters organised under four nested conclusions, and reflects on the third research question.

8.2 The Significance of Micro-level Analysis in Understanding Political Settlements

In Chapter 2, I introduced the concept of political settlement as a useful framework to understand the weaknesses in political reform and the micro-level local elite politics around it. The political settlement framework argues that, despite the increased attention given to 'normative'-driven good governance approaches, politics in developing countries is controlled by local elites who can either advance or resist political reforms. However, the political settlement framework normally operates at a macro, even abstract, level and does not focus on the significance or impact of 'everyday' politics. One of the important contributions of the thesis is to thus extend the political settlement framework and incorporate the 'everyday' reality of power, politics, elite negotiations and bargaining. I have adopted a non-normative approach towards exploring the impact of the PPA on the resettlement and realignment of power and local elite leadership. The result is that the thesis offers a more robust analytical framework to enable a better understanding of the dynamics and nature of political settlements. In Chapter 4 I argued that 'everyday' politics is best explored using ethnographic methods. In this way, the empirical analysis of micro-level politics opens up analysis to the real obstacles, real opportunities and real politics surrounding political reforms. The focus on micro-politics unravels the everyday meanings, experiences and strategies made by local elites who operate under the conditions and opportunities afforded by reforms such as the PPA. Within this broader approach, the thesis makes four main arguments.

First, the competition among elites triggered by the introduction of the PPA in the FATA region confirms the relevance of the concept of political settlement. The *informality* of politics is one of the prime focuses of the political settlement framework, since it is seen as an integral part in maintaining social

control in developing societies. This contrasts with how good governance is conceptualised in a technical and apolitical manner. Chapters 1 and 3 informed us that the prescription for stability in FATA is modelled around a good governance framework as a solution to tackle militancy in the region. The PPA is oriented towards providing a normative model of good governance, and the framework emphasises that democratisation will provide the remedy to manage fragility in regions affected by conflict. This thesis undertook an empirical analysis and highlighted that the normative governance model imposed by the Pakistani state defined the political settlement, and the changed institutional structures thus created both opportunities for and constraints upon local elites. Real and everyday politics, as understood by the political settlement framework, in FATA deviate significantly from the expectation of how politics 'should' be done in the normative sense or as understood in much of the good governance literature. Politics in the FATA region continues to be dominated by informality and competition among local elites. The significance of politics and this competition suggests that political settlements primarily reflect the formal and informal interaction between these elites.

Second, the analytical tools developed in this thesis refined the discussion around political settlement. The empirical chapters showed that local elites employ similar strategies – *loyalty*, *networks* and *rhetoric* – to legitimise their position as leaders. These strategies of legitimacy and loyalty are important to the understanding of how local settlements are negotiated in everyday political life and practice. In other words, the viability of the new political settlement is best understood through an examination of the strategies or interactions of local elites, and the significance of leadership, power and authority within that landscape.

Third, the central argument of the political settlement is that violence has the potential to disrupt rents, and elites are thus incentivised to manage violence in their own interests. The moral discourses of the new political elites (focusing on democracy) and *Maliks* (focusing on tradition, values and morality) are all, in effect, forms of violence management. A key component of the *Maliks*' armoury is traditional authority, which they believe is essential for the management of violence. The discourse offered by political elites around democracy is in effect an alternative discourse on the management of violence. The potential for new political elites to manage violence is bolstered by their connections with the central state and the benefits these can offer. One of the observations made in Chapter 7, which looked at a more settled region, was that the level of democratic or electoral competition had intensified as a result of the PPA reforms. This level of competition does not exist amongst *Maliks* because their authority is hereditary. So in a couple of cycles the rules of the game are changing in the FATA region. Because the level of competition has increased, new forms of settlement are seen. In this new context it is important that all local elites are included. Some old elites (such as *Maliks*) may feel left out, so in

order to manage the micro-settlement on the ground (between competing local players) the local elites use negotiation, bargaining and (illegally) money to maintain the balance in the community.

Fourth, the political settlement framework is useful for ascertaining the political power of groups. But we do not know the finer details of the term 'political power of groups' or its dynamics. In the literature, the term is used in the abstract. When we analyse the term in detail we begin to see that the dynamics of political power are complex, each group having its own implication for discrete settings. Hence, we need first to analyse the political power of groups, not only in FATA but also elsewhere around the world. Once we know about these, then we may be in a position to devise policies accordingly.

For example, if militants controlled an area, would a party-political system work there? Possibly not, as elections were probably not held in the first place and the militants would be unlikely to arrange any. This may mean it is essential that peace be restored before policymakers can consider issuing prescriptions for restructuring institutions.

There are diverse ways in which individuals establish their authority and legitimacy and a varied set of resources can be used, including financial, historical, political, religious and social – and, in some cases, the capacity to exercise violence. Moreover, the political context and sources of power in each region are unique. In order to make effective policies in a region, it is necessary at the outset to analyse empirically the political power of different groups there. In the research setting of this thesis, the empirical chapters identified that the local actors used 'entrepreneurial' skills, and derived their power from sources other than a capacity for violence. I analysed the impact of the PPA in the context of the political power of local elites, and in the ways they 'negotiate' over political reforms. Local actors including the new political elites and *Maliks* are all trying to obtain power from the opportunities available through political reforms. In other regions, such as those experiencing a political settlement in crisis, the political power of militant groups may come from their capacity for violence. If the political actors in my research site had similar sources of political power as militants – i.e. a capacity for violence – in resisting the state, it is highly likely that the political reforms would be delayed, or worse. In my research site, the intensity of violence is not great so local actors, including the new political elites and *Maliks*, are taking part in the PPA's arrangements to obtain opportunities for power. But there are some parts of FATA where militants are in control, so elections cannot be held there. Power in these areas is exercised through the direct threat of force, as described in Lukes' (1974) first dimension of power. The political reforms may directly be resisted in these areas, and hence there is no space for 'negotiating' a political reform process. Hence, general prescriptions modelled around stability may be

inappropriate unless the political power of groups in each region is analysed systematically and ethnographically.

8.3 The Importance of Focusing on Elite Behaviour and Actions: FATA an Unsettled Settlement

In addition to the empirical evidence on the politics of local elites presented in Chapters 5, 6 and 7, the future of political reforms depends on how elites in Pakistan engage with them. There is a tendency, especially in the development studies literature, to examine social and political change from the perspective of poor or disenfranchised people (Auyero, 2000; Li, 2007). However, the significance of social and political change is best conceptualised through understanding the interactions between elites. This is the core proposition of the political settlement framework. Just a few days before the submission of this thesis, national-level negotiations took place between elites over political reforms in FATA. The following description of these negotiations presents a snapshot of the nature of the challenges facing political reforms and politics, and the significance of elites in these processes.

In December 2017, Pakistan's Chief of the Army Staff (COAS), General Qamar Bajwa, held a consultation meeting with *Maliks* and youth from FATA (see Figure 16). The key focus of the meeting was to seek the opinion of various stakeholders on political reforms in the region.

Figure 16: Extract from newspaper report of Pakistani COAS' meeting with stakeholders in FATA

https://www.dawn.com/news/1376521

Army backs reforms in Fata, says COAS

From the Newspaper | December 14, 2017

General Qamar Javed Bajwa.—APP

ISLAMABAD: The Army has again publicly voiced its support for reforms in the Federally Administered Tribal Areas (Fata).

Addressing a delegation of elders and youth from Fata on Wednesday, Chief of the Army Staff Gen Qamar Bajwa said: "Pakistan Army fully supports the mainstreaming of Fata and shall pursue it in line with aspirations of our tribal brothers."

Source: *Dawn*, 14 December 2017

In media and policy circles, the meeting was presented as an important milestone in the establishment of future institutional arrangements in the FATA region. The support of the Pakistan military for the reforms is crucial because the intelligence agencies had previously expressed reservations about the possibility of extending political reforms in the region. In Chapter 3 (section 3.7), I described how the state's support for *Maliks*, political instability, the Afghanistan war and the War on Terror had triggered a lack of consensus among elites over future reforms in FATA. More recently, the Pakistan Army and the majority of political parties have reached greater agreement on how to align the FATA region with political systems found throughout Pakistan. Prior to the COAS' meeting, there had been ongoing debate and proposed reforms on the nature of the political settlement in FATA. In particular, the FATA Commission's report in 2016 (see Chapter 3, section 3.7) proposed merging FATA with KPK. The state indicated in the report that it would retain the role of *Maliks* and *Lungi* holders in local governance arrangements. However, the report failed to build consensus and agreement among the political elite, and the settlement in FATA remained politically unresolved. Chapter 5 showed that the new political elites demanded that the FCR be abolished and replaced with the PPA. Moreover, these actors

supported the idea of merging FATA with KPK. Recently, the majority of mainstream political parties in Pakistan have come to support this position. On the other hand, the *Maliks* and two political parties (the PkMAP and the JUI-F) oppose the merger and demand that FATA be given the status of a separate province (see Figure 17).

Figure 17: Extract from newspaper reports on Political Parties and Maliks opposing Political reforms in FATA

https://tribune.com.pk/story/1588175/1-pm-army-chief-fail-win-fazl/

FATA reforms bill: PM, army chief fail to win over Fazl

By Riazul Haq Published: December 20, 2017

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Jamiat Ulema-e-Islam-Fazl chief Maulana Fazlur Rehman. PHOTO: PPI

ISLAMABAD: Prime Minister Shahid Khaqan Abbasi and army chief General Qamar Javed Bajwa on Tuesday apparently failed to convince Jamiat Ulema-e-Islam-Fazl (JUI-F) chief to support the proposed law on reforms in the Federally Administered Tribal Areas (Fata) and its merger with the Khyber-Pakhtunkhwa (K-P).

Source: *Tribune*, 20 December 2017

https://www.dawn.com/news/1376716

Achakzai gives his own formula for Fata reforms

Amir Wasim | Updated December 15, 2017

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ISLAMABAD: Pakhtunkhwa Milli Awami Party (PkMAP) chief Mehmood Khan Achakzai on Thursday proposed on the floor of the National Assembly that a "judicial council-like body" comprising judges, generals and diplomats should be formed to decide the future set-up for Federally Administered Tribal Areas (Fata) which should be democratic and as per the aspirations of tribal people.

Reacting on the criticism directed at him and Jamiat Ulema-i-Islam (JUI-F) chief Maulana Fazlur Rehman by some members for their opposition to the plan of merging Fata with Khyber Pakhtunkhwa, Mr Achakzai said the president should announce abolition of the Frontier Crimes Regulations (FCR).

Warning against the planned merger of tribal areas with the province, the PkMAP leader from Balochistan suggested that Fata should be governed either by a governor or a council to be elected through adult franchise.

Source: *Dawn*, 15 December 2017

https://www.geo.tv/latest/173166-pm-abbasi

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More than 500 tribal elders had held a grand jirga on December 14 and rejected the possible merger of FATA with Khyber Pakhtunkhwa.

The elders, hailing from the tribal areas, were of the opinion that FATA should be given the status of a separate province.

Chief of Army Staff (COAS) General Qamar Javed Bajwa had also recently assured delegations from FATA that the Pakistan Army fully supports mainstreaming of the region in line with aspirations of tribal brothers.

General Bajwa had said he valued the views of the tribal delegations regarding the future of FATA. He added that achievements through sacrifices of brave residents of FATA are being consolidated while the country transitions from relative stability to enduring peace.

Army fully supports mainstreaming of FATA: Gen Bajwa

The recommendations to bring the tribal areas at par with the rest of the country were approved by the federal cabinet on March 2 but the matter has been delayed since then.

Source: *Geo.tv*, 13 December 2017

The views of JUI-F and PkMAP are significant because (a) both parties are part of the ruling coalition with PML (N) in Pakistan; (b) both have popular support in the FATA region and Baluchistan respectively; and (c) Pakistan is faced with existential threats, including from militants, and therefore needs the support of the elites from both these parties to strengthen their support in the region.

In light of the lack of consensus, the political arrangement in FATA remains unsettled. As can be seen from the reports in Figure 18 below, the new political elites and civil society continue to pressure the government to merge FATA with KPK. One way of pushing the FATA merger agenda for the political parties is to stage protests in the National Assembly and Senate. Moreover, political parties have called for strikes, demonstrations and agitation against further delay over the status of FATA and its merger with KPK. Figure 18 shows that the political parties have incorporated the issue of FATA as part of their election campaigns, proposed to be held in 2018.

Figure 18: Extract from newspaper reports of political elites supporting FATA merger with KPK

https://www.dawn.com/news/1376061

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Uproar in National Assembly as government holds Fata reforms bill

Amir Wasim | Updated December 12, 2017

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ISLAMABAD: A last-minute decision by the government to once again delay the presentation of the Fata reforms bill on Monday led to uproar in the National Assembly, and opposition members announced a boycott of house proceedings until the much-delayed legislation was introduced.

Soon after the Question Hour, a number of opposition members stood up and lodged a strong protest over the government's move to withdraw the bill from the agenda at the eleventh hour. The issue was first highlighted by Pakistan Muslim League-Nawaz (PML-N) allied Fata MNA Shahabuddin Khan, and later by Fata parliamentary leader Shah Jee Gul Afridi.

Source: *Dawn*, 12 December 2017

Figure 19: The Pressures Tactics of Political Parties in support of Merging FATA with KPK

https://tribune.com.pk/story/1591590/1-pti-hints-agitation-fata-reforms-delay/

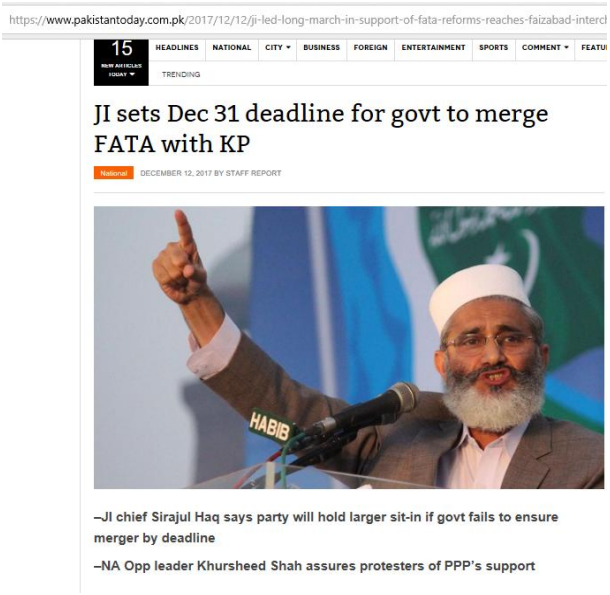
PTI hints at agitation over FATA reforms delay

PHOTO: FILE

ISLAMABAD: The Pakistan Tehreek-e-Insaf (PTI) on Saturday hinted at the launch of an agitation campaign that may include a long march from the Federally Administrated Tribal Areas (Fata) to Islamabad against delay in tribal areas' merger with Khyber-Pakhtunkhwa.

This was decided during a meeting of the party's core group held at Imran Khan's Bani Gala residence here.

Source: *Tribune* 24 December 2017



https://www.pakistantoday.com.pk/2017/12/12/ji-led-long-march-in-support-of-fata-reforms-reaches-faizabad-interch

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TRENDING

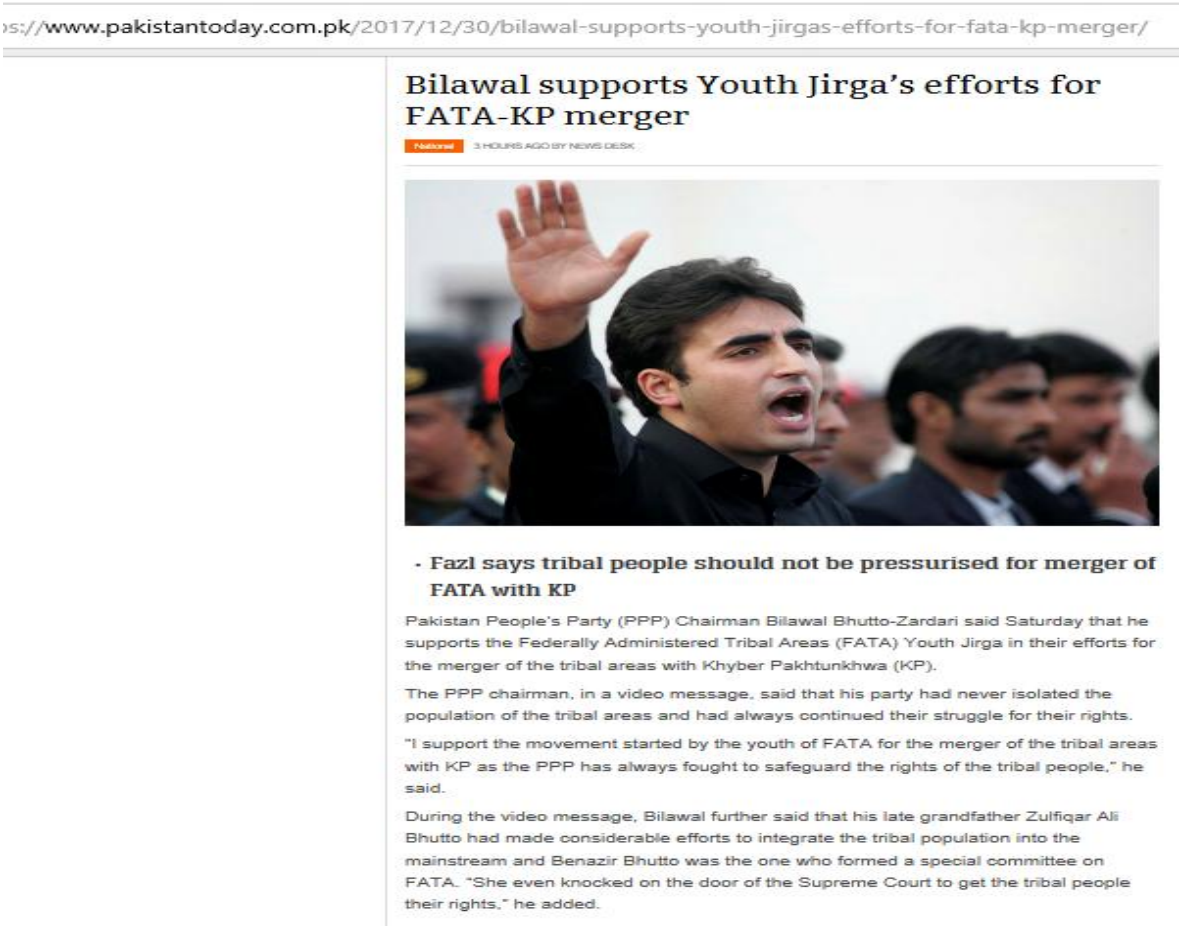
JI sets Dec 31 deadline for govt to merge FATA with KP

National DECEMBER 12, 2017 BY STAFF REPORT

–JI chief Sirajul Haq says party will hold larger sit-in if govt fails to ensure merger by deadline

–NA Opp leader Khursheed Shah assures protesters of PPP's support

Source: *Pakistan Today, 12* December 2017



https://www.pakistantoday.com.pk/2017/12/30/bilawal-supports-youth-jirgas-efforts-for-fata-kp-merger/

Bilawal supports Youth Jirga's efforts for FATA-KP merger

National 3 HOURS AGO BY NEWS DESK

- **Fazl says tribal people should not be pressurised for merger of FATA with KP**

Pakistan People's Party (PPP) Chairman Bilawal Bhutto-Zardari said Saturday that he supports the Federally Administered Tribal Areas (FATA) Youth Jirga in their efforts for the merger of the tribal areas with Khyber Pakhtunkhwa (KP).

The PPP chairman, in a video message, said that his party had never isolated the population of the tribal areas and had always continued their struggle for their rights.

"I support the movement started by the youth of FATA for the merger of the tribal areas with KP as the PPP has always fought to safeguard the rights of the tribal people," he said.

During the video message, Bilawal further said that his late grandfather Zulfiqar Ali Bhutto had made considerable efforts to integrate the tribal population into the mainstream and Benazir Bhutto was the one who formed a special committee on FATA. "She even knocked on the door of the Supreme Court to get the tribal people their rights," he added.

Source: *Pakistan Today*, 30 December 2017

The future shape of local governance depends on how the elites continue to negotiate the settlement in FATA. The first two empirical chapters (5 and 6) showed that there were both opportunities for and constraints upon the local elites over the PPA. Based on empirical data collected from my fieldwork, the empirical chapters highlighted that the PPA has produced a crisis of legitimacy for *Maliks* and their claims to leadership in FATA. In the future, the FATA region may experience many changes and machinations, but the resolution of the situation depends on how the local elites (*Maliks*, as well as new political elites), as well as national ones, develop a consensus on the make-up of political system in FATA.

The elite consensus is as relevant to other societies as it is in FATA. For North, Wallis and Weingast (2009), the whole notion of social and political change is about elite consensus and bargaining to allow political change to take place. More recently, the role of negotiations between elites has become more prominent than military action in the search for stability, as elite bargaining and pacts between groups are understood to support a stable and viable coalition (Jones, Elgin-Cossart and Esberg, 2012). In supporting this argument, Hartzell and Yuen (2012, p.242) notes that 12 of 16 civil wars occurring between 2000 and 2007 ended in negotiated settlements. However, Wagner (1993) and Werner and Yuen (2005) had earlier noted that the stability of negotiated settlements is subject to maintaining the principles of agreement by each party. These authors assert that any changes in the terms and conditions of the agreement involving the allocation of power and resources amongst elites contesting these resources – upon which stability rests – may create political instability (ibid.).

Negotiations between elites are complex, and vary from context to context – the example of the Pakistan COAS' intervention in the debate over FATA is just one example. But the key issue for us is that – as shown in this thesis – the elites are fundamental to successful implementation of change.

8.4 The Nature of Change: Incremental and Indeterminate

Based on the lack of consensus amongst elites, it remains unclear what shape the future of political reform will take. What seems clear is that it is an incremental process. The analysis by North, Wallis and Weingast (2009) suggests that all societies experience some degree of change but that this is often marginal. Moreover, these authors rule out significant change occurring in limited access societies in which dominant coalitions of elites work in pursuit of their own interests (ibid.). Although the FATA region seems to be in a state of flux and undergoing significant change, in reality my thesis aligns well with the analysis presented by North and his colleagues. The nature of interaction between elites and the complexities of establishing consensus mean that continuity is as likely an outcome as change – and this is true for the FATA region, too.

When considering change, it is important – as my thesis shows – to focus much more on the everyday and micro politics of change. However, this does not mean that solutions lie only at the micro level. In fact, the micro-politics of areas like FATA cannot be understood in isolation. In effect they reflect, and are reflected in, macro-political dynamics. This is why change in contexts like FATA is at best incremental and indeterminate. There are many considerations to factor in when thinking about the micro-politics of settlements in the FATA region, including law and order; militant groups; the Pakistani military and intelligence agencies; international relations focusing on Afghanistan, India and Pakistan; global strategies and reaction to the War on Terror; and, of course, global political alliances. In reality, the political settlement evolving in the FATA region reflects a tension between the alliance between India and the US on the one hand and that between China, Russia and Pakistan on the other. The former places significant emphasis on the FATA region, and this increases the pressure on Pakistan to tackle the Haqqani and Taliban networks, both based in the FATA region. Recent Twitter posts[69] by US President Donald Trump highlight a trust deficit between the US government and Pakistan. This will have an immediate impact on the way the settlement in FATA evolves, but also shows how fragile and sensitive the evolution of the settlement is. This all cautions against lazy political thinking. In Chapter 7 I investigated a more settled region and one which might offer a future settlement scenario for FATA. In the previous section of this chapter (8.3), I outlined how the majority of political parties are pushing to align the institutional arrangements in FATA with the rest of the country. Hence, there is a template and a direction. However, it would be unwise to think the journey is linear and obvious. The nature of analysing political settlements in complex situations like FATA demonstrates the complexity of change and the multiple layers that filter how change evolves and takes shape. In short, there are no prescriptions.

8.5 Customised Governance: Political Unsettlement as Settlement

This thesis contributes to the literature on post-conflict governance in unsettled societies and has highlighted the specificity of working in a context where societies are in transition. The research is significant in understanding governance challenges in uncertain societies in a non-normative way. By analysing the impact of post-conflict reconstruction through the interaction of a liberal peacebuilding model with traditional political structures, the end result in FATA is a hybrid political structure. In FATA, such a structure or customised mode of governance is seen as a solution to the current disorder in the region. The customised model of governance involves the simultaneous functioning of national-level political representation through party-political elections, the continuation of traditional leadership

[69] For example, Aamer Madhani, 'Trump has already sent his first Twitter slam of 2018. The target: Pakistan' [Online]. *USA Today*, 1 January 2018. Available from: https://www.usatoday.com/story/news/politics/onpolitics/2018/01/01/trump-lashes-out-against-pakistan-first-tweet-2018/994066001/ [Accessed on 4th January, 2018].

arrangements at the local level, patron-client networks, customary laws, and the extension of modern legal institutions. The maintenance of law and order is the government's main priority, and significance is therefore attached to the role of tribal chiefs in peacebuilding. Chiefs have demonstrated their ability to build peace on their own terms, which are significantly different from the liberal peacebuilding agenda. Furthermore, a hybrid governance model is made possible by the passive participation of chiefs in democratic politics on the one hand and active support for traditional structures on the other. Moreover, the tribal chiefs have demonstrated keen entrepreneurial skills, and therefore presently continue to enjoy a degree of influence over their communities. How long will chiefs maintain their influence in traditional structures, or be significant in modern democratic politics? These are questions for future research. But it is clear that, in present circumstances, the chiefs have been able to preserve the significance of their role in local governance.

In a way, hybridity resonates well with a partial acceptance of the liberal peacebuilding model, as well as areas where citizens relate less to the latter. It is pertinent to mention that regions respond in different ways to the sequencing of institutions. There are external pressures, pressure from the actors, and societal pressures, and changes in one region might therefore be different from changes in others. In some regions, citizens' exposure to the party-political system (in Pakistan's bigger cities), youth interest in politics, social media, improved law and order, and grievances about traditional authority have all contributed to the partial acceptance of the PPA. Moreover, the introduction of new actors into the political arena who are using more resources – i.e. money and social welfare – means that the social dynamics are being reworked in FATA. New relationships are being developed, and citizens have more choice to select patrons, a platform to express opinion, and opportunities for leadership and developing networks, addressing grievances and issues related to rights and entitlement – all of which are additional factors contributing to the acceptance of the liberal peacebuilding model. This could be seen as a positive outcome for liberal peacebuilding initiatives in unsettled societies. However, there are regions in FATA where the law-and-order situation remains critical, and those regions experience little change in social and political dynamics. In such areas, the PPA seems to have little impact. In such regions, a context specific customised governance model which is different than other regions may be an effective mode of settlement.

Liberal peacebuilding models, and even the political settlement frameworks, have been used in development studies from the perspective of governance as producing order. However, uncertainty, disorder, fluidity and unsettlement in many post-conflict and fragile contexts is a more permanent feature (Boege et al., 2008; Richmond, 2009a; 2010b). Local actors tend to take advantage of the many spaces that surround political uncertainty and change, and the actors involved continually rework their

strategies, and in certain cases are engaged in almost a double game. In this sense, that uncertainty or lack of precision becomes almost institutionalised.

The main contribution of this thesis to the literature on post-conflict reconstruction is to highlight this uncertainty, which seems to be a strategy – i.e. certain forms of hybrid behaviour in political structures are a logical response to uncertainty and multiple expectations, etc. The thesis has shown that, rather than seeing things as failure or bad governance, the ambiguity, informality, contingency and institutional dualism or 'political unsettlement' must be seen as temporary settlements in the management of violence. The central point about customised governance is an emphasis on adaptation rather than forms of governance solutions that are parachuted in. In that uncertainty, governance models that are continually moulded or adapted into different forms of hybridity must therefore be seen as a way of trying to negotiate the transition.

Moreover, an ethnographic inquiry into the lives of local elites surrounding the PPA allowed me to interact with them and helped me develop a more grounded understanding of peacebuilding. The local political elites in FATA have shown their ability to work around the PPA and encounter protests, resistance, adaptation, exploitation and transformation. The local elites' 'everyday' strategies also provided insights into why liberal peacebuilding models need to reconsider their focus on parachuting institutions into an area and consider these complex hybrid solutions and challenges, which means they are going to be different in different contexts. In sum, the normative models that have proved unsuccessful need to engage conceptual and empirical models with a lack of certainty and models focused on adaptation.

8.6 Limitations, and Recommendations for Further Research

Certain areas in my research site in FATA were difficult to access without risk to my personal security and safety. In FATA, there are six sub-regions where the social and political context, tribes, and the nature of the political power of local elites are all different. Consequently, the nature of settlements varies from region to region in FATA. Even within the Khyber Agency there are differences, especially in the Bara region (on the border with Afghanistan), where the militants are in control. Military operations were going on in Bara at the time of my research, which curtailed my access to those areas. In Chapter 5 I showed, using election statistics, that the impact of the PPA varied between different regions of FATA. Hence, one limitation on my research – geographical reach – is one of the main recommendations for future research. The political settlement framework is robust when infused with a more detailed micro-analysis of everyday politics. This needs to be tested and adapted in other conflict situations, in FATA and beyond.

Finally, in this thesis I empirically explored the reaction and strategies of four types of local elite to the PPA in FATA and KPK: the new political elites, *Maliks*, *Lungi* holders and political brokers. There are clearly other key stakeholders, including youth, women and militants, who have not been considered in this thesis. In my fieldwork I often encountered members of civil society working on women's rights, and I was surprised and encouraged by the participation of women in informal political processes. In addition, the young showed tremendous interest in participating in political processes. Finally, militants continue to exert influence in parts of FATA, and their role remains largely unexplored. All these form an empirical lacuna that needs to be addressed in future research.

Glossary

Bideshi	Foreigner
Hujra	Special designated areas in a house allocated for guests (male)
Jirga	Dispute- and conflict-resolution assembly at the local level
Kalay	Village
Khasra	Land unit
Khassadar	Local police force in FATA
Khewat	A unit of agricultural property that is either exclusively owned or co-owned by a number of individuals
Lungi	local parlance for turban
Lungi holder	junior cadre of tribal *Maliks*
Malik	*The Tribal chief in FATA.*
Mashr	*Elder*
Mastaan (Bangladesh)	Strong men (violence specialist)
Nazim	Mayor
Patwari	Village registrar or accountant
Qaum	Tribe
Shamylat	Communal Land
Sifarish	*A*n individual who uses his/her personal connections with influential figures to intercede to gain access to resources
Tappa	Hamlet
Tehsil	Sub-county
Tehsildar	District land revenue official in charge of revenue collection
Ulema	*Religious scholars*
Wajib-ul-Arz	A land revenue document that specifies the distribution of land.
Yaksala	Yearly

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